

Calendar No. 1033

110TH CONGRESS
2D SESSION**S. 3155****[Report No. 110–472]**

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2008

Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, Ms. COLLINS, Mrs. FEINSTEIN, Ms. SNOWE, Mr. DURBIN, Mr. COLEMAN, and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Justice and
5 Delinquency Prevention Reauthorization Act of 2008”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Authority to make grants.

Sec. 207. Research and evaluation; statistical analyses; information dissemination.

Sec. 208. Training and technical assistance.

Sec. 209. Incentive grants for State and local programs.

Sec. 210. Authorization of appropriations.

Sec. 211. Administrative authority.

Sec. 212. Technical and conforming amendments.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Definitions.

Sec. 302. Grants for delinquency prevention programs.

Sec. 303. Authorization of appropriations.

Sec. 304. Technical and conforming amendment.

3 **TITLE I—FINDINGS AND**
4 **DECLARATION OF PURPOSE**

5 **SEC. 101. FINDINGS.**

6 Section 101 of the Juvenile Justice and Delinquency
7 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
8 read as follows:

9 **“SEC. 101. FINDINGS.**

10 **“Congress finds the following:**

1 “(1) A growing body of adolescent development
2 research supports the use of developmentally appro-
3 priate services and sanctions for youth in the juve-
4 nile justice system and those at risk for delinquent
5 behavior to help prevent youth crime and to success-
6 fully intervene with youth who have already entered
7 the system.

8 “(2) Research has shown that targeted invest-
9 ments to redirect offending juveniles onto a different
10 path are cost effective and can help reduce juvenile
11 recidivism and adult crime.

12 “(3) Minorities are disproportionately rep-
13 resented in the juvenile justice system.

14 “(4) Between 1990 and 2004, the number of
15 youth in adult jails increased by 208 percent.

16 “(5) Every day in the United States, an aver-
17 age of 7,500 youth are incarcerated in adult jails.

18 “(6) Youth who have been previously tried as
19 adults are, on average, 34 percent more likely to
20 commit crimes than youth retained in the juvenile
21 justice system.

22 “(7) Research has shown that every dollar
23 spent on evidence based programs can yield up to
24 \$13 in cost savings.

1 “(8) Each child prevented from engaging in re-
2 peat criminal offenses can save the community
3 \$1,700,000 to \$3,400,000.

4 “(9) Youth are 19 times more likely to commit
5 suicide in jail than youth in the general population
6 and 36 times more likely to commit suicide in an
7 adult jail than in a juvenile detention facility.

8 “(10) Seventy percent of youth in detention are
9 held for nonviolent charges, and more than $\frac{2}{3}$ are
10 charged with property offenses, public order of-
11 fenses, technical probation violations, or status of-
12 fenses, such as truancy, running away, or breaking
13 curfew.

14 “(11) The prevalence of mental disorders
15 among youth in juvenile justice systems is 2 to 3
16 times higher than among youth in the general popu-
17 lation.

18 “(12) Eighty percent of juveniles in juvenile
19 justice systems have a nexus to substance abuse.

20 “(13) The proportion of girls entering the jus-
21 tice system has increased steadily over the past sev-
22 eral decades, rising from 20 percent in 1980 to 29
23 percent in 2003.”.

1 **SEC. 102. PURPOSES.**

2 Section 102 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5602) is amended—

4 (1) in paragraph (2), by striking “and” at the
5 end;

6 (2) in paragraph (3), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(4) to support a continuum of programs (in-
10 cluding delinquency prevention, intervention, mental
11 health and substance abuse treatment, and
12 aftercare) to address the needs of at-risk youth and
13 youth who come into contact with the justice sys-
14 tem.”.

15 **SEC. 103. DEFINITIONS.**

16 Section 103 of the Juvenile Justice and Delinquency
17 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

18 (1) by amending paragraph (18) to read as fol-
19 lows:

20 “(18) the term ‘Indian tribe’ has the meaning
21 given that term in section 4 of the Indian Self-De-
22 termination and Education Assistance Act (25
23 U.S.C. 450b);”;

24 (2) in paragraph (22), by striking “or confine
25 adults” and all that follows and inserting “or con-
26 fine adult inmates;”;

1 (3) by amending paragraph (26) to read as fol-
 2 lows:

3 ~~“(26) the term ‘adult inmate’—~~

4 ~~“(A) means an individual who—~~

5 ~~“(i) has reached the age of full crimi-~~
 6 ~~nal responsibility under applicable State~~
 7 ~~law; and~~

8 ~~“(ii) has been arrested and is in cus-~~
 9 ~~tody for or awaiting trial on a criminal~~
 10 ~~charge; or is convicted of a criminal charge~~
 11 ~~offense; and~~

12 ~~“(B) does not include an individual who—~~

13 ~~“(i) at the time of the time of the of-~~
 14 ~~fense; was younger than the maximum age~~
 15 ~~at which a youth can be held in a juvenile~~
 16 ~~facility under applicable State law; and~~

17 ~~“(ii) was committed to the care and~~
 18 ~~custody of a juvenile correctional agency by~~
 19 ~~a court of competent jurisdiction or by op-~~
 20 ~~eration of applicable State law;”;~~

21 (4) in paragraph (28), by striking “and” at the
 22 end;

23 (5) in paragraph (29), by striking the period at
 24 the end and inserting a semicolon; and

25 (6) by adding at the end the following:

1 “(30) the term ‘core requirements’ means the
2 requirements described in paragraphs (11), (12),
3 (13), and (15) of section 223(a);

4 “(31) the term ‘chemical agent’ means a spray
5 used to temporarily incapacitate a person, including
6 oleoresin capsicum spray, tear gas, and 2-chloro-
7 benzalmalononitrile gas;

8 “(32) the term ‘isolation’—

9 “(A) means any instance in which a youth
10 is confined alone for more than 15 minutes in
11 a room or cell; and

12 “(B) does not include confinement in the
13 room or cell in which the youth usually sleeps;
14 protective confinement (for injured youths or
15 youths whose safety is threatened); separation
16 based on an approved treatment program; rou-
17 tine confinement at the time of the youth’s ad-
18 mission; confinement that is requested by the
19 youth; or the separation of the youth from a
20 group in a non-locked setting for the purpose of
21 calming;

22 “(33) the term ‘restraint’ has the meaning
23 given that term in section 591 of the Public Health
24 Service Act (42 U.S.C. 290ii);

1 “(34) the term ‘evidence based’ means a pro-
2 gram or practice that is demonstrated to be effective
3 and that—

4 “(A) is based on a clearly articulated and
5 empirically supported theory;

6 “(B) has measurable outcomes, including a
7 detailed description of what outcomes were pro-
8 duced in a particular population; and

9 “(C) has been scientifically tested, opti-
10 mally through randomized, controlled studies;

11 “(35) the term ‘promising’ means a program or
12 practice that is demonstrated to be effective based
13 on positive outcomes from 1 or more objective eval-
14 uations, or based on practice knowledge, as docu-
15 mented in writing to the Administrator; and

16 “(36) the term ‘dangerous practice’ means an
17 act, procedure, or program that creates an unreason-
18 able risk of physical injury, pain, or psychological
19 harm to a juvenile subjected to the act, procedure,
20 or program.”.

1 **TITLE II—JUVENILE JUSTICE**
 2 **AND DELINQUENCY PREVEN-**
 3 **TION**

4 **SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

5 Section 204(a)(2)(B)(i) of the Juvenile Justice and
 6 Delinquency Prevention Act of 1974 (42 U.S.C.
 7 5614(a)(2)(B)(i)) is amended by striking “240 days after
 8 the date of enactment of this paragraph” and inserting
 9 “July 2, 2009”.

10 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 11 **AND DELINQUENCY PREVENTION.**

12 Section 206 of the Juvenile Justice and Delinquency
 13 Prevention Act of 1974 (42 U.S.C. 5616) is amended—
 14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by inserting “the Administrator of
 17 the Substance Abuse and Mental Health
 18 Services Administration, the Secretary of
 19 Defense, the Secretary of Agriculture,”
 20 after “the Secretary of Health and Human
 21 Services,”; and

22 (ii) by striking “Commissioner of Im-
 23 migration and Naturalization” and insert-
 24 ing “Assistant Secretary for Immigration
 25 and Customs Enforcement”; and

(B) in paragraph (2)(A), by inserting “(including at least 1 representative from the mental health fields)” after “field of juvenile justice”; and
 (2) in subsection (c)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)(B)—

(i) by striking “180 days after the date of the enactment of this paragraph” and inserting “May 3, 2009”; and

(ii) by striking “Committee on Education and the Workforce” and inserting “Committee on Education and Labor”.

SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking “a fiscal year” and inserting “each fiscal year”;

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting “, ethnicity,” after “race”;

1 ~~(B) in subparagraph (E), by striking~~
 2 ~~“and” at the end;~~

3 ~~(C) in subparagraph (F)—~~

4 ~~(i) by inserting “and other” before~~
 5 ~~“disabilities,”; and~~

6 ~~(ii) by striking the period at the end~~
 7 ~~and inserting a semicolon; and~~

8 ~~(D) by adding at the end the following:~~

9 ~~“(G) a summary of data from 1 month of~~
 10 ~~the applicable fiscal year of the use of restraints~~
 11 ~~and isolation upon juveniles held in the custody~~
 12 ~~of secure detention and correctional facilities~~
 13 ~~operated by a State or unit of local government;~~

14 ~~“(H) the number of juveniles released from~~
 15 ~~eustody and the type of living arrangement to~~
 16 ~~which each such juvenile was released; and~~

17 ~~“(I) the number of status offense cases pe-~~
 18 ~~titioned to court, number of status offenders~~
 19 ~~held in secure detention, the findings used to~~
 20 ~~justify the use of secure detention, and the av-~~
 21 ~~erage period of time a status offender was held~~
 22 ~~in secure detention”;~~ and

23 ~~(3) by adding at the end the following:~~

24 ~~“(5) A description of the criteria used to deter-~~
 25 ~~mine what programs qualify as evidence based and~~

1 promising programs under this title and title V and
 2 a comprehensive list of those programs the Adminis-
 3 trator has determined meet such criteria.

4 “(6) A description of funding provided to In-
 5 dian tribes under this Act, including direct Federal
 6 grants and funding provided to Indian tribes
 7 through a State or unit of local government.”.

8 **SEC. 204. ALLOCATION OF FUNDS.**

9 Section 222 of the Juvenile Justice and Delinquency
 10 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

11 (1) in subsection (a)(1), by striking “age eight-
 12 een.” and inserting “18 years of age, based on the
 13 most recent census data to monitor any significant
 14 changes in the relative population of people under
 15 18 years of age occurring in the States.”;

16 (2) by redesignating subsections (c) and (d) as
 17 subsections (d) and (e), respectively;

18 (3) by inserting after subsection (b) the fol-
 19 lowing:

20 “(c)(1) If any amount allocated under subsection (a)
 21 is withheld from a State due to noncompliance with the
 22 core requirements, the funds shall be reallocated for an
 23 improvement grant designed to assist the State in achiev-
 24 ing compliance with the core requirements.

1 “(2) The Administrator shall condition a grant de-
2 scribed in paragraph (1) on—

3 “(A) the State, with the approval of the Admin-
4 istrator, developing specific action steps designed to
5 restore compliance with the core requirements; and

6 “(B) submitting to the Administrator semi-
7 annually a report on progress toward implementing
8 the specific action steps developed under subpara-
9 graph (A).

10 “(3) The Administrator shall provide appropriate and
11 effective technical assistance directly or through an agree-
12 ment with a contractor to assist a State receiving a grant
13 described in paragraph (1) in achieving compliance with
14 the core requirements.”;

15 (4) in subsection (d), as so redesignated, by
16 striking “efficient administration, including moni-
17 toring, evaluation, and one full-time staff position”
18 and inserting “effective and efficient administration,
19 including the designation of at least 1 person to co-
20 ordinate efforts to achieve and sustain compliance
21 with the core requirements”; and

22 (5) in subsection (e), as so redesignated, by
23 striking “5 per centum” and inserting “not more
24 than 5 percent”.

1 **SEC. 205. STATE PLANS.**

2 Section 223 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph (1),
6 by inserting “Not later than 30 days after the
7 date on which a plan or amended plan sub-
8 mitted under this subsection is finalized, a
9 State shall make the plan or amended plan pub-
10 licly available by posting the plan or amended
11 plan on a publicly available website.” after
12 “compliance with State plan requirements.”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (A)(ii)—

15 (I) in subclause (II), by striking
16 “counsel for children and youth” and
17 inserting “publicly supported court-
18 appointed legal counsel for children
19 and youth charged in delinquency
20 matters”;

21 (II) in subclause (III), by strik-
22 ing “mental health, education, special
23 education” and inserting “children’s
24 mental health, education, child and
25 adolescent substance abuse, special

1 education; services for youth with dis-
 2 abilities”;

3 ~~(III)~~ in subclause (V), by striking
 4 “delinquents or potential delinquents”
 5 and inserting “delinquent youth or
 6 youth at risk of delinquency, including
 7 volunteers who work with youth of
 8 color”;

9 ~~(IV)~~ in subclause (VII), by strik-
 10 ing “and” at the end;

11 ~~(V)~~ by redesignating subclause
 12 ~~(VIII)~~ as subclause ~~(XI)~~;

13 ~~(VI)~~ by inserting after subclause
 14 ~~(VII)~~ the following:

15 “~~(VIII)~~ the executive director or
 16 the designee of the executive director
 17 of a public or nonprofit entity that is
 18 located in the State and receiving a
 19 grant under part A of title III;

20 “~~(IX)~~ persons with expertise and
 21 competence in preventing and ad-
 22 dressing mental health or substance
 23 abuse problems in juvenile delinquents
 24 and those at-risk of delinquency;

- 1 ~~“(X) representatives of victim or~~
- 2 ~~witness advocacy groups; and”;~~ and
- 3 ~~(VII) in subelause (XI), as so re-~~
- 4 ~~designated, by striking “disabilities”~~
- 5 ~~and inserting “and other disabilities,~~
- 6 ~~truancy reduction or school failure”;~~
- 7 (ii) in subparagraph (D)(ii), by strik-
- 8 ing “requirements of paragraphs (11),
- 9 (12), and (13)” and inserting “core re-
- 10 quirements”; and
- 11 (iii) in subparagraph (E)(i), by adding
- 12 “and” at the end;
- 13 (C) in paragraph (5)—
- 14 (i) in the matter preceding subpara-
- 15 graph (A), by striking “section 222(d)”
- 16 and inserting “section 222(e)”; and
- 17 (ii) in subparagraph (C), by striking
- 18 “Indian tribes” and all that follows
- 19 through “applicable to the detention and
- 20 confinement of juveniles” and inserting
- 21 “Indian tribes that agree to attempt to
- 22 comply with the core requirements applica-
- 23 ble to the detention and confinement of ju-
- 24 veniles”;
- 25 (D) in paragraph (7)(B)—

1 (i) by striking clause (i) and inserting
2 the following:

3 “(i) a plan for ensuring that the chief ex-
4 ecutive officer of the State, State legislature,
5 and all appropriate public agencies in the State
6 with responsibility for provision of services to
7 children, youth and families are informed of the
8 requirements of the State plan and compliance
9 with the core requirements;”;

10 (ii) in clause (iii), by striking “and”
11 at the end; and

12 (iii) by striking clause (iv) and insert-
13 ing the following:

14 “(iv) a plan to provide alternatives to de-
15 tention, including diversion to home-based or
16 community-based services or treatment for
17 those youth in need of mental health, substance
18 abuse, or co-occurring disorder services at the
19 time such juveniles first come into contact with
20 the juvenile justice system;

21 “(v) a plan to reduce the number of chil-
22 dren housed in secure detention and corrections
23 facilities who are awaiting placement in residen-
24 tial treatment programs;

1 “(vi) a plan to engage family members in
2 the design and delivery of juvenile delinquency
3 prevention and treatment services, particularly
4 post-placement; and

5 “(vii) a plan to use community-based serv-
6 ices to address the needs of at-risk youth or
7 youth who have come into contact with the ju-
8 venile justice system;”;

9 (F) in paragraph (8), by striking “exist-
10 ing” and inserting “evidence based and prom-
11 ising”;

12 (F) in paragraph (9)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “section 222(d)”
15 and inserting “section 222(c)”;

16 (ii) in subparagraph (A)(i), by insert-
17 ing “status offenders and other” before
18 “youth who need”;

19 (iii) in subparagraph (B)(i)—

20 (I) by striking “parents and
21 other family members” and inserting
22 “status offenders, other youth, and
23 the parents and other family members
24 of such offenders and youth”; and

1 (H) by striking “be retained”
2 and inserting “remain”;

3 (iv) by redesignating subparagraphs
4 (G) through (S) as subparagraphs (J)
5 through (V), respectively;

6 (v) by redesignating subparagraphs
7 (E) and (F) as subparagraphs (F) and
8 (G), respectively;

9 (vi) by inserting after subparagraph
10 (D) the following:

11 “(E) providing training and technical as-
12 sistance to, and consultation with, juvenile jus-
13 tice and child welfare agencies of States and
14 units of local government to develop coordinated
15 plans for early intervention and treatment of
16 youth who have a history of abuse and juveniles
17 who have prior involvement with the juvenile
18 justice system;”;

19 (vii) in subparagraph (G), as so redes-
20 ignated, by striking “expanding” and in-
21 serting “programs to expand”;

22 (viii) by inserting after subparagraph
23 (G), as so redesignated, the following:

24 “(H) programs to improve the recruitment,
25 selection, training, and retention of professional

1 personnel in the fields of medicine, law enforce-
 2 ment, judiciary, juvenile justice, social work and
 3 child protection, education, and other relevant
 4 fields who are engaged in, or intend to work in,
 5 the field of prevention, identification, and treat-
 6 ment of delinquency;

7 “(I) expanding access to publicly sup-
 8 ported, court-appointed legal counsel and en-
 9 hancing capacity for the competent representa-
 10 tion of every child;”;

11 (ix) in subparagraph (O), as so redes-
 12 ignated—

13 (I) in clause (i), by striking “re-
 14 straints” and inserting “alternatives”;
 15 and

16 (II) in clause (ii), by striking “by
 17 the provision”; and

18 (x) in subparagraph (V), as so redes-
 19 ignated, by striking the period at the end
 20 and inserting a semicolon;

21 (G) in paragraph (11)—

22 (i) in subparagraph (A), by striking
 23 “and” at the end;

24 (ii) in subparagraph (B), by adding
 25 “and” at the end; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) encourage the use of community-
4 based alternatives to secure detention, including
5 programs of public and nonprofit entities re-
6 ceiving a grant under part A of title III;”;

7 (H) by striking paragraph (22);

8 (I) by redesignating paragraphs (23)
9 through (28) as paragraphs (24) through (29),
10 respectively;

11 (J) by redesignating paragraphs (14)
12 through (21) as paragraphs (16) through (23),
13 respectively;

14 (K) by inserting after paragraph (13) the
15 following:

16 “(14) require that—

17 “(A) not later than 3 years after the date
18 of enactment of the Juvenile Justice and Delin-
19 quency Prevention Reauthorization Act of 2008,
20 unless a court finds, after a hearing and in
21 writing, that it is in the interest of justice, juve-
22 niles awaiting trial or other legal process who
23 are treated as adults for purposes of prosecu-
24 tion in criminal court and housed in a secure
25 facility—

1 “(i) shall not have contact with adult
2 inmates; and

3 “(ii) may not be held in any jail or
4 lockup for adults;

5 “(B) in determining under subparagraph
6 (A) whether it is in the interest of justice to
7 permit a juvenile to be held in any jail or lock-
8 up for adults; or have contact with adult in-
9 mates; a court shall consider—

10 “(i) the age of the juvenile;

11 “(ii) the physical and mental maturity
12 of the juvenile;

13 “(iii) the present mental state of the
14 juvenile; including whether the juvenile
15 presents an imminent risk of harm to the
16 juvenile;

17 “(iv) the nature and circumstances of
18 the alleged offense;

19 “(v) the juvenile’s history of prior de-
20 linquent acts;

21 “(vi) the relative ability of the avail-
22 able adult and juvenile detention facilities
23 to meet the specific needs of the juvenile
24 and to protect the public;

1 “(vii) whether placement in a juvenile
2 facility will better serve the long-term in-
3 terests of the juvenile and be more likely to
4 prevent recidivism;

5 “(viii) the availability of programs de-
6 signed to treat the juvenile’s behavioral
7 problems; and

8 “(ix) any other relevant factor; and

9 “(C) if a court determines under subpara-
10 graph (A) that it is in the interest of justice to
11 permit a juvenile to be held in any jail or lock-
12 up for adults, or have contact with adult in-
13 mates—

14 “(i) the court shall hold a hearing not
15 less frequently than once every 30 days to
16 review whether it is still in the interest of
17 justice to permit the juvenile to be so held
18 or have such contact; and

19 “(ii) the juvenile shall not be held in
20 any jail or lockup for adults, or permitted
21 to have contact with adult inmates, for
22 more than 180 days, unless the court, in
23 writing, determines there is good cause for
24 an extension or the juvenile expressly
25 waives this limitation;

1 “(15) implement policy, practice, and system
2 improvement strategies at the State, territorial,
3 local, and tribal levels, as applicable, to identify and
4 reduce racial and ethnic disparities among youth
5 who come into contact with the juvenile justice sys-
6 tem, without establishing or requiring numerical
7 standards or quotas, by—

8 “(A) establishing coordinating bodies, com-
9 posed of juvenile justice stakeholders at the
10 State, local, or tribal levels, to oversee and mon-
11 itor efforts by States, units of local government,
12 and Indian tribes to reduce racial and ethnic
13 disparities;

14 “(B) identifying and analyzing key decision
15 points in State, local, or tribal juvenile justice
16 systems to determine which points create racial
17 and ethnic disparities among youth who come
18 into contact with the juvenile justice system;

19 “(C) developing and implementing data
20 collection and analysis systems to identify
21 where racial and ethnic disparities exist in the
22 juvenile justice system and to track and analyze
23 such disparities;

24 “(D) developing and implementing a work
25 plan that includes measurable objectives for pol-

1 icy, practice, or other system changes, based on
 2 the needs identified in the data collection and
 3 analysis under subparagraphs (B) and (C); and

4 “(E) publicly reporting, on an annual
 5 basis, the efforts made in accordance with sub-
 6 paragraphs (B), (C), and (D);”

7 (L) in paragraph (16), as so redesign-
 8 nated—

9 (i) by striking “adequate system” and
 10 inserting “effective system”;

11 (ii) by striking “requirements of para-
 12 graph (11),” and all that follows through
 13 “monitoring to the Administrator” and in-
 14 serting “the core requirements are met,
 15 and for annual reporting to the Adminis-
 16 trator of such plan, including the results of
 17 such monitoring and all related enforce-
 18 ment and educational activities”; and

19 (iii) by striking “, in the opinion of
 20 the Administrator,”;

21 (M) in paragraph (17), as so redesignated,
 22 by inserting “ethnicity,” after “race,”

23 (N) in paragraph (24), as so redesign-
 24 nated—

1 (i) in subparagraph (B), by striking
2 “and” at the end;

3 (ii) in subparagraph (C)—

4 (I) in clause (i), by striking
5 “and” at the end;

6 (II) in clause (ii), by adding
7 “and” at the end; and

8 (III) by adding at the end the
9 following:

10 “(iii) if such court determines the ju-
11 venile should be placed in a secure deten-
12 tion facility or correctional facility for vio-
13 lating such order, the court shall issue a
14 written order that—

15 “(I) identifies the valid court
16 order that has been violated;

17 “(II) specifies the factual basis
18 for determining that there is reason-
19 able cause to believe that the juvenile
20 has violated such order;

21 “(III) includes findings of fact to
22 support a determination that there is
23 no appropriate less restrictive alter-
24 native available to placing the juvenile
25 in such a facility, with due consider-

1 ation to the best interest of the juve-
2 nile; and

3 ~~“(IV) specifies the length of time;~~
4 ~~not to exceed 7 days; that the juvenile~~
5 ~~may remain in a secure detention fa-~~
6 ~~cility or correctional facility; and in-~~
7 ~~cludes a plan for the juvenile’s release~~
8 ~~from such facility; and”;~~ and

9 (iii) by adding at the end the fol-
10 lowing:

11 ~~“(D) there are procedures in place to en-~~
12 ~~sure that any juvenile held in a secure detention~~
13 ~~facility or correctional facility pursuant to a~~
14 ~~court order described in this paragraph does~~
15 ~~not remain in custody longer than 7 days or the~~
16 ~~length of time authorized by the court, which-~~
17 ~~ever is shorter;”;~~

18 ~~(O) in paragraph (26), as so redesignated,~~
19 ~~by striking “section 222(d)” and inserting “sec-~~
20 ~~tion 222(e)”;~~

21 ~~(P) in paragraph (27), as so redesign-~~
22 ~~ated—~~

23 (i) by inserting “and in accordance
24 with confidentiality concerns,” after “max-
25 imum extent practicable,”; and

1 (ii) by striking the semicolon at the
2 end and inserting the following: “, so as to
3 provide for—

4 “(A) a compilation of data reflecting infor-
5 mation on juveniles entering the juvenile justice
6 system with a prior reported history as victims
7 of child abuse or neglect through arrest, court
8 intake, probation and parole, juvenile detention,
9 and corrections; and

10 “(B) a plan to use the data described in
11 subparagraph (A) to provide necessary services
12 for the treatment of victims of child abuse and
13 neglect who have entered, or are at risk of en-
14 tering, the juvenile justice system;”;

15 (Q) in paragraph (28), as so redesign-
16 nated—

17 (i) by striking “establish policies” and
18 inserting “establish protocols, policies, pro-
19 cedures,”; and

20 (ii) by striking “and” at the end;

21 (R) in paragraph (29), as so redesignated,
22 by striking the period at the end and inserting
23 a semicolon; and

24 (S) by adding at the end the following:

1 “(30) provide for the coordinated use of funds
2 provided under this Act with other Federal and
3 State funds directed at juvenile delinquency preven-
4 tion and intervention programs;

5 “(31) develop policies and procedures, and pro-
6 vide training for facility staff, on evidence based and
7 promising techniques for effective behavior manage-
8 ment that are designed to eliminate the use of dan-
9 gerous practices, unreasonable restraints, and isola-
10 tion;

11 “(32) provide mental health and substance
12 abuse screening, assessment, referral, and treatment
13 for juveniles in the juvenile justice system;

14 “(33) provide procedural safeguards to adju-
15 dicated juveniles, including—

16 “(A) a written case plan for each juvenile;
17 based on an assessment of the needs of the ju-
18 venile and developed and updated in consulta-
19 tion with the juvenile, the family of the juvenile,
20 and, if appropriate, counsel for the juvenile;
21 that—

22 “(i) describes the pre-release and
23 post-release programs and reentry services
24 that will be provided to the juvenile;

1 “(ii) describes the living arrangement
2 to which the juvenile is to be discharged;
3 and

4 “(iii) establishes a plan for the enroll-
5 ment of the juvenile in post-release health
6 care, behavioral health care, educational,
7 vocational, training, family support, public
8 assistance, and legal services programs, as
9 appropriate;

10 “(B) as appropriate, a hearing that—

11 “(i) shall take place in a family or ju-
12 venile court or another court (including a
13 tribal court) of competent jurisdiction, or
14 by an administrative body appointed or ap-
15 proved by the court, not earlier than 30
16 days before the date on which the juvenile
17 is scheduled to be released, and at which
18 the juvenile would be represented by coun-
19 sel; and

20 “(ii) shall determine the discharge
21 plan for the juvenile, including a deter-
22 mination of whether a safe, appropriate,
23 and permanent living arrangement has
24 been secured for the juvenile and whether
25 enrollment in health care, behavioral health

care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

“(C) policies to ensure that discharge planning and procedures—

“(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

“(ii) do not delay the release from custody of the juvenile; and

“(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “core requirements”; and

(ii) by striking “2001, then” and inserting “2008”;

(B) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

1 (C) in paragraph (2)(B)(ii)—

2 (i) by inserting “, administrative,”

3 after “appropriate executive”; and

4 (ii) by striking the period at the end

5 and inserting “, as specified in section

6 222(c); and”; and

7 (D) by adding at the end the following:

8 “(3) the State shall submit to the Adminis-
 9 trator a report detailing the reasons for noncompli-
 10 ance with the core requirements, including the plan
 11 of the State to regain full compliance, and the State
 12 shall make publicly available such report, not later
 13 than 30 days after the date on which the Adminis-
 14 trator approves the report, by posting the report on
 15 a publicly available website.”;

16 (3) in subsection (d)—

17 (A) by striking “section 222(d)” and in-
 18 serting “section 222(e)”;

19 (B) by striking “described in paragraphs
 20 (11), (12), (13) and (22) of subsection (a)” and
 21 inserting “described in the core requirements”;
 22 and

23 (C) by striking “the requirements under
 24 paragraphs (11), (12), (13) and (22) of sub-

1 section (a)” and inserting “the core require-
2 ments”; and

3 (4) by striking subsection (f) and inserting the
4 following:

5 “(f) COMPLIANCE DETERMINATION.—Not later than
6 60 days after the date of receipt of information indicating
7 that a State may be out of compliance with any of the
8 core requirements, the Administrator shall—

9 “(1) determine whether the State is in compli-
10 ance with the core requirements;

11 “(2) issue a public report describing the deter-
12 mination described in paragraph (1), including a
13 summary of the information on which the determina-
14 tion is based and the actions to be taken by the Ad-
15 ministrator (including a description of any reduction
16 imposed under subsection (c)); and

17 “(3) make the report described in paragraph
18 (2) available on a publicly available website.

19 “(g) TECHNICAL ASSISTANCE.—

20 “(1) ORGANIZATION OF STATE ADVISORY
21 GROUP MEMBER REPRESENTATIVES.—The Adminis-
22 trator shall provide technical and financial assist-
23 ance to an agency, institution, or organization to as-
24 sist in carrying out the activities described in para-
25 graph (3). The functions and activities of an agency,

1 institution, or organization under this subsection
 2 shall not be subject to the Federal Advisory Com-
 3 mittee Act.

4 “(2) COMPOSITION.—To be eligible to receive
 5 assistance under this subsection, an agency, institu-
 6 tion, or organization shall—

7 “(A) be governed by individuals who—

8 “(i) have been appointed by a chief
 9 executive of a State to serve as a member
 10 of a State advisory group established
 11 under subsection (a)(3); and

12 “(ii) are elected to serve as a gov-
 13 erning officer of such an agency, institu-
 14 tion, or organization by a majority of the
 15 member Chairs (or the designees of the
 16 member Chairs) of all State advisory
 17 groups established under subsection (a)(3);

18 “(B) include member representatives—

19 “(i) from a majority of the State advi-
 20 sory groups established under subsection
 21 (a)(3); and

22 “(ii) who are representative of region-
 23 ally and demographically diverse State ju-
 24 risdictions; and

1 “(C) annually seek advice from the Chairs
 2 (or the designees of the member Chairs) of each
 3 State advisory group established under sub-
 4 section (a)(3) to implement the advisory func-
 5 tions specified in subparagraphs (D) and (E) of
 6 paragraph (3) of this subsection.

7 “(3) ACTIVITIES.—To be eligible to receive as-
 8 sistance under this subsection, an agency, institu-
 9 tion, or organization shall agree to—

10 “(A) conduct an annual conference of the
 11 member representatives of the State advisory
 12 groups established under subsection (a)(3) for
 13 purposes relating to the activities of such State
 14 advisory groups;

15 “(B) disseminate information, data, stand-
 16 ards, advanced techniques, and program mod-
 17 els;

18 “(C) review Federal policies regarding ju-
 19 venile justice and delinquency prevention;

20 “(D) advise the Administrator regarding
 21 particular functions or aspects of the work of
 22 the Office; and

23 “(E) advise the President and Congress re-
 24 garding State perspectives on the operation of

1 the Office and Federal legislation relating to ju-
 2 venile justice and delinquency prevention.”.

3 **SEC. 206. AUTHORITY TO MAKE GRANTS.**

4 Section 241(a) of the Juvenile Justice and Delin-
 5 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is
 6 amended—

7 (1) in paragraph (1), by inserting “status of-
 8 fenders,” before “juvenile offenders, and juveniles”;

9 (2) in paragraph (5), by striking “juvenile of-
 10 fenders and juveniles” and inserting “status offend-
 11 ers, juvenile offenders, and juveniles”;

12 (3) in paragraph (10), by inserting “, including
 13 juveniles with disabilities” before the semicolon;

14 (4) in paragraph (17), by inserting “truancy
 15 prevention and reduction,” after “mentoring,”;

16 (5) in paragraph (24), by striking “and” at the
 17 end;

18 (6) by redesignating paragraph (25) as para-
 19 graph (26); and

20 (7) by inserting after paragraph (24) the fol-
 21 lowing:

22 “(25) projects that support the establishment of
 23 partnerships between a State and a university, insti-
 24 tution of higher education, or research center de-
 25 signed to improve the recruitment, selection, train-

ing, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency; and”.

SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

(a) IN GENERAL.—Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking “may” and inserting “shall”;

(ii) in subparagraph (A), by striking “plan and identify” and inserting “annually provide a written and publicly available plan to identify”; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

“(iii) successful efforts to prevent status offenders and first-time minor offenders from

subsequent involvement with the criminal justice system;”;

(II) by amending clause (vii) to

read as follows:

“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;”;

(III) by redesignating clauses

(ix), (x), and (xi) as clauses (xi), (xii),

and (xiii), respectively; and

(IV) by inserting after clause

(viii) the following:

“(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

“(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in,

1 the field of prevention, identification, and treat-
 2 ment of delinquency;” and

3 (B) in paragraph (4)—

4 (i) in the matter preceding subpara-
 5 graph (A), by inserting “and not later than
 6 1 year after the date of enactment of the
 7 Juvenile Justice and Delinquency Preven-
 8 tion Reauthorization Act of 2008” after
 9 “date of enactment of this paragraph”;

10 (ii) in subparagraph (F), by striking
 11 “and” at the end;

12 (iii) in subparagraph (G), by striking
 13 the period at the end and inserting a semi-
 14 colon; and

15 (iv) by adding at the end the fol-
 16 lowing:

17 “(H) a description of the best practices in dis-
 18 charge planning; and

19 “(I) an assessment of living arrangements for
 20 juveniles who cannot return to the homes of the ju-
 21 veniles.”;

22 (2) in subsection (b), in the matter preceding
 23 paragraph (a), by striking “may” and inserting
 24 “shall”; and

25 (3) by adding at the end the following:

1 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-
2 istrator shall—

3 “(1) establish a uniform method of data collec-
4 tion and technology that States shall use to evaluate
5 data on juvenile recidivism on an annual basis;

6 “(2) establish a common national juvenile re-
7 cidivism measurement system; and

8 “(3) make cumulative juvenile recidivism data
9 that is collected from States available to the pub-
10 lic.”.

11 (b) STUDIES.—

12 (1) IN GENERAL.—The Administrator shall con-
13 duct a study and publish a report on the differences
14 between male and female juvenile offenders that in-
15 cludes analyses of—

16 (A) risk factors specific to the development
17 of delinquent behavior in girls;

18 (B) the mental health needs of delinquent
19 girls and girls at risk of delinquency;

20 (C) delinquency prevention and interven-
21 tion programs that are effective among girls;
22 and

23 (D) how prevention and intervention pro-
24 grams for delinquent girls and girls at-risk of
25 delinquency can be made more effective.

1 ~~(2) ASSESSMENT OF TREATING JUVENILES AS~~
2 ~~ADULTS.—The Administrator shall—~~

3 ~~(A) not later than 3 years after the date~~
4 ~~of enactment of this Act, assess the effective-~~
5 ~~ness of the practice of treating juveniles as~~
6 ~~adults for purposes of prosecution in criminal~~
7 ~~court; and~~

8 ~~(B) not later than 42 months after the~~
9 ~~date of enactment of this Act, submit to Con-~~
10 ~~gress and the President, and make publicly~~
11 ~~available, a report on the findings and conclu-~~
12 ~~sions of the assessment under subparagraph~~
13 ~~(A) and any recommended changes in law iden-~~
14 ~~tified as a result of the assessment under sub-~~
15 ~~paragraph (A).~~

16 ~~(3) OUTCOME STUDY OF FORMER JUVENILE~~
17 ~~OFFENDERS.—The Administrator shall conduct a~~
18 ~~study of adjudicated juveniles and publish a report~~
19 ~~on the outcomes for juveniles who have reintegrated~~
20 ~~into the community, which shall include information~~
21 ~~on the outcomes relating to family reunification,~~
22 ~~housing, education, employment, health care, behav-~~
23 ~~ioral health care, and repeat offending.~~

24 ~~(4) DEFINITION OF ADMINISTRATOR.—In this~~
25 ~~subsection, the term “Administrator” means the~~

1 head of the Office of Juvenile Justice and Delin-
 2 quency Prevention.

3 **SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.**

4 Section 252 of the Juvenile Justice and Delinquency
 5 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
 8 by striking “may”;

9 (B) in paragraph (1), by inserting “shall”
 10 before “develop and carry out projects”; and

11 (C) in paragraph (2), by inserting “may”
 12 before “make grants to and contracts with”;

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),
 15 by striking “may”;

16 (B) in paragraph (1)—

17 (i) by inserting “shall” before “de-
 18 velop and implement projects”; and

19 (ii) by striking “and” at the end;

20 (C) in paragraph (2)—

21 (i) by inserting “may” before “make
 22 grants to and contracts with”; and

23 (ii) by striking the period at the end
 24 and inserting a semicolon; and

25 (D) by adding at the end the following:

1 “(3) shall provide technical assistance to States
 2 and units of local government on achieving compli-
 3 ance with the amendments made by the Juvenile
 4 Justice and Delinquency Prevention Reauthorization
 5 Act of 2008; and

6 “(4) shall provide technical assistance to States
 7 in support of efforts to establish partnerships be-
 8 tween the State and a university, institution of high-
 9 er education, or research center designed to improve
 10 the recruitment, selection, training, and retention of
 11 professional personnel in the fields of medicine, law
 12 enforcement, judiciary, juvenile justice, social work
 13 and child protection, education, and other relevant
 14 fields who are engaged in, or intend to work in, the
 15 field of prevention, identification, and treatment of
 16 delinquency.”; and

17 (3) by adding at the end the following:

18 “(d) TECHNICAL ASSISTANCE TO STATES REGARD-
 19 ING LEGAL REPRESENTATION OF CHILDREN.—The Ad-
 20 ministrator shall develop and issue standards of practice
 21 for attorneys representing children, and ensure that the
 22 standards are adapted for use in States.

23 “(e) TRAINING AND TECHNICAL ASSISTANCE FOR
 24 LOCAL AND STATE JUVENILE DETENTION AND CORREC-
 25 TIONS PERSONNEL.—The Administrator shall coordinate

1 training and technical assistance programs with juvenile
 2 detention and corrections personnel of States and units
 3 of local government to promote evidence based and prom-
 4 ising methods for improving conditions of juvenile confine-
 5 ment, including those that are designed to minimize the
 6 use of dangerous practices, unreasonable restraints, and
 7 isolation.

8 ~~“(f) TRAINING AND TECHNICAL ASSISTANCE TO~~
 9 ~~SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE~~
 10 ~~TREATMENT INCLUDING HOME-BASED OR COMMUNITY-~~
 11 ~~BASED CARE.—~~The Administrator shall provide training
 12 and technical assistance, in conjunction with the appro-
 13 priate public agencies, to individuals involved in making
 14 decisions regarding the disposition of cases for youth who
 15 enter the juvenile justice system, including—

16 ~~“(1) juvenile justice intake personnel;~~

17 ~~“(2) probation officers;~~

18 ~~“(3) juvenile court judges and court services~~
 19 ~~personnel;~~

20 ~~“(4) prosecutors and court-appointed counsel;~~

21 ~~and~~

22 ~~“(5) family members of juveniles and family ad-~~
 23 ~~vocates.”.~~

1 **SEC. 209. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**
 2 **GRAMS.**

3 Title II of the Juvenile Justice and Delinquency Pre-
 4 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
 5 ed—

6 (1) by redesignating part F as part G; and

7 (2) by inserting after part E the following:

8 **“PART F—INCENTIVE GRANTS FOR STATE AND**
 9 **LOCAL PROGRAMS**

10 **“SEC. 271. INCENTIVE GRANTS.**

11 **“(a) INCENTIVE GRANT FUNDS.—**The Administrator
 12 may make incentive grants to a State, unit of local govern-
 13 ment, or combination of States and local governments to
 14 assist a State, unit of local government, or combination
 15 thereof in carrying out an activity identified in subsection
 16 (b)(1).

17 **“(b) USE OF FUNDS.—**

18 **“(1) IN GENERAL.—**An incentive grant made by
 19 the Administrator under this section may be used
 20 to—

21 **“(A)** increase the use of evidence based or
 22 promising prevention and intervention pro-
 23 grams;

24 **“(B)** improve the recruitment, selection,
 25 training, and retention of professional personnel
 26 (including in the fields of medicine, law enforce-

1 ment, judiciary, juvenile justice, social work,
2 and child prevention) who are engaged in, or in-
3 tend to work in, the field of prevention, inter-
4 vention, and treatment of juveniles to reduce
5 delinquency;

6 “(C) establish a partnership between juve-
7 nile justice agencies of a State or unit of local
8 government and mental health authorities of
9 State or unit of local government to establish
10 and implement programs to ensure there are
11 adequate mental health and substance abuse
12 screening, assessment, referral, treatment, and
13 after-care services for juveniles who come into
14 contact with the justice system;

15 “(D) provide training, in conjunction with
16 the public or private agency that provides men-
17 tal health services, to individuals involved in
18 making decisions involving youth who enter the
19 juvenile justice system (including intake per-
20 sonnel, law enforcement, prosecutors, juvenile
21 court judges, public defenders, mental health
22 and substance abuse service providers and ad-
23 ministrators, probation officers, and parents)
24 that focuses on—

1 “(i) the availability of screening and
2 assessment tools and the effective use of
3 such tools;

4 “(ii) the purpose, benefits, and need
5 to increase availability of mental health or
6 substance abuse treatment programs (in-
7 cluding home-based and community-based
8 programs) available to juveniles within the
9 jurisdiction of the recipient;

10 “(iii) the availability of public and pri-
11 vate services available to juveniles to pay
12 for mental health or substance abuse treat-
13 ment programs; or

14 “(iv) the appropriate use of effective
15 home-based and community-based alter-
16 natives to juvenile justice or mental health
17 system institutional placement; and

18 “(E) provide services to juveniles with
19 mental health or substance abuse disorders who
20 are at risk of coming into contact with the jus-
21 tice system.

22 “(2) COORDINATION AND ADMINISTRATION.—A
23 State or unit of local government receiving a grant
24 under this section shall ensure that—

1 “(A) the use of the grant under this sec-
 2 tion is developed as part of the State plan re-
 3 quired under section 223(a); and

4 “(B) not more than 5 percent of the
 5 amount received under this section is used for
 6 administration of the grant under this section.

7 “(c) APPLICATION.—

8 “(1) IN GENERAL.—A State or unit of local
 9 government desiring a grant under this section shall
 10 submit an application at such time, in such manner,
 11 and containing such information as the Adminis-
 12 trator may prescribe.

13 “(2) CONTENTS.—In accordance with guide-
 14 lines that shall be established by the Administrator,
 15 each application for incentive grant funding under
 16 this section shall—

17 “(A) describe any activity or program the
 18 funding would be used for and how the activity
 19 or program is designed to carry out 1 or more
 20 of the activities described in subsection (b);

21 “(B) if any of the funds provided under
 22 the grant would be used for evidence based or
 23 promising prevention or intervention programs,
 24 include a detailed description of the studies,
 25 findings, or practice knowledge that support the

1 assertion that such programs qualify as evi-
2 dence based or promising; and

3 “(C) for any program for which funds pro-
4 vided under the grant would be used that is not
5 evidence based or promising; include a detailed
6 description of any studies, findings, or practice
7 knowledge which support the effectiveness of
8 the program.”.

9 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 299 of the Juvenile Justice and Delinquency
11 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

12 (1) in subsection (a)—

13 (A) in the subsection heading, by striking
14 “PARTS C AND E” and inserting “PARTS C, E,
15 AND F”;

16 (B) in paragraph (1), by striking “this
17 title” and all that follows and inserting the fol-
18 lowing: “this title—

19 “(A) \$196,700,000 for fiscal year 2009;

20 “(B) \$245,900,000 for fiscal year 2010;

21 “(C) \$295,100,000 for fiscal year 2011;

22 “(D) \$344,300,000 for fiscal year 2012; and

23 “(E) \$393,500,000 for fiscal year 2013.”; and

1 ~~(C)~~ in paragraph ~~(2)~~, in the matter pre-
 2 ceding subparagraph ~~(A)~~, by striking “parts C
 3 and E” and inserting “parts C, E, and F”;

4 ~~(2)~~ in subsection ~~(b)~~, by striking “fiscal years
 5 2003, 2004, 2005, 2006, and 2007” and inserting
 6 “fiscal years 2009, 2010, 2011, 2012, and 2013”;

7 ~~(3)~~ in subsection ~~(c)~~, by striking “fiscal years
 8 2003, 2004, 2005, 2006, and 2007” and inserting
 9 “fiscal years 2009, 2010, 2011, 2012, and 2013”;

10 ~~(4)~~ by redesignating subsection ~~(d)~~ as sub-
 11 section ~~(e)~~; and

12 ~~(5)~~ by inserting after subsection ~~(e)~~ the fol-
 13 lowing:

14 “~~(d)~~ AUTHORIZATION OF APPROPRIATIONS FOR
 15 PART F.—There are authorized to be appropriated to
 16 carry out part F, and authorized to remain available until
 17 expended, \$60,000,000 for each of fiscal years 2009,
 18 2010, 2011, 2012, and 2013. Of the sums that are appro-
 19 priated for a fiscal year to carry out part F, not less than
 20 50 percent shall be used to fund programs that are ear-
 21 rying out an activity described in subparagraph ~~(C)~~, ~~(D)~~,
 22 or ~~(E)~~ of section 271(b)(1).”.

23 **SEC. 211. ADMINISTRATIVE AUTHORITY.**

24 Section 299A(e) of the Juvenile Justice and Delin-
 25 quency Prevention Act of 1974 (42 U.S.C. 5672(e)) is

1 amended by striking “requirements described in para-
 2 graphs (11), (12), and (13) of section 223(a)” and insert-
 3 ing “core requirements”.

4 **SEC. 212. TECHNICAL AND CONFORMING AMENDMENTS.**

5 The Juvenile Justice and Delinquency Prevention Act
 6 of 1974 (42 U.S.C. 5601 et seq.) is amended—

7 (1) in section 204(b)(6), by striking “section
 8 223(a)(15)” and inserting “section 223(a)(16”;

9 (2) in section 246(a)(2)(D), by striking “section
 10 222(c)” and inserting “section 222(d”;

11 (3) in section 299D(b), of by striking “section
 12 222(c)” and inserting “section 222(d”.

13 **TITLE III—INCENTIVE GRANTS**
 14 **FOR LOCAL DELINQUENCY**
 15 **PREVENTION PROGRAMS**

16 **SEC. 301. DEFINITIONS.**

17 Section 502 of the Incentive Grants for Local Delin-
 18 quency Prevention Programs Act of 2002 (42 U.S.C.
 19 5781) is amended—

20 (1) in the section heading, by striking “**DEFI-**
 21 **NITION**” and inserting “**DEFINITIONS**”; and

22 (2) by striking “this title, the term” and insert-
 23 ing the following: “this title—

24 “(1) the term ‘mentoring’ means matching 1
 25 adult with 1 or more youths (not to exceed 4 youths)

1 for the purpose of providing guidance, support, and
 2 encouragement aimed at developing the character of
 3 the youths, where the adult and youths meet regu-
 4 larly for not less than 4 hours each month for not
 5 less than a 9-month period; and

6 “(2) the term”.

7 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**
 8 **GRAMS.**

9 Section 504(a) of the Incentive Grants for Local De-
 10 linquency Prevention Programs Act of 2002 (42 U.S.C.
 11 5783(a)) is amended—

12 (1) in paragraph (7), by striking “and” at the
 13 end;

14 (2) in paragraph (8), by striking the period at
 15 the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(9) mentoring programs.”.

18 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 505 of the Incentive Grants for Local Delin-
 20 quency Prevention Programs Act of 2002 (42 U.S.C.
 21 5784) is amended to read as follows:

22 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
 24 this title—

25 “(1) \$272,200,000 for fiscal year 2009;

1 ~~“(2) \$322,800,000 for fiscal year 2010;~~
 2 ~~“(3) \$373,400,000 for fiscal year 2011;~~
 3 ~~“(4) \$424,000,000 for fiscal year 2012; and~~
 4 ~~“(5) \$474,600,000 for fiscal year 2013.”.~~

5 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

6 The Juvenile Justice and Delinquency Prevention Act
 7 of 1974 is amended by striking title V, as added by the
 8 Juvenile Justice and Delinquency Prevention Act of 1974
 9 (Public Law 93–415; 88 Stat. 1133) (relating to miscella-
 10 neous and conforming amendments).

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Juvenile Justice and*
 13 *Delinquency Prevention Reauthorization Act of 2008”.*

14 **SEC. 2. TABLE OF CONTENTS.**

15 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Authority to make grants.

Sec. 207. Grants to Indian tribes.

Sec. 208. Research and evaluation; statistical analyses; information dissemination.

Sec. 209. Training and technical assistance.

Sec. 210. Incentive grants for State and local programs.

Sec. 211. Authorization of appropriations.

Sec. 212. Administrative authority.

Sec. 213. Technical and conforming amendments.

**TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY
PREVENTION PROGRAMS**

Sec. 301. Definitions.

Sec. 302. Grants for delinquency prevention programs.

Sec. 303. Authorization of appropriations.

Sec. 304. Technical and conforming amendment.

**TITLE I—FINDINGS AND
DECLARATION OF PURPOSE**

SEC. 101. FINDINGS.

*Section 101 of the Juvenile Justice and Delinquency
Prevention Act of 1974 (42 U.S.C. 5601) is amended to read
as follows:*

“SEC. 101. FINDINGS.

“Congress finds the following:

*“(1) A growing body of adolescent development
research supports the use of developmentally appro-
priate services and sanctions for youth in the juvenile
justice system and those at risk for delinquent behav-
ior to help prevent youth crime and to successfully in-
tervene with youth who have already entered the sys-
tem.*

*“(2) Research has shown that targeted invest-
ments to redirect offending juveniles onto a different
path are cost effective and can help reduce juvenile re-
cidivism and adult crime.*

*“(3) Minorities are disproportionately rep-
resented in the juvenile justice system.*

1 “(4) *Between 1990 and 2004, the number of*
2 *youth in adult jails increased by 208 percent.*

3 “(5) *Every day in the United States, an average*
4 *of 7,500 youth are incarcerated in adult jails.*

5 “(6) *Youth who have been previously tried as*
6 *adults are, on average, 34 percent more likely to com-*
7 *mit crimes than youth retained in the juvenile justice*
8 *system.*

9 “(7) *Research has shown that every dollar spent*
10 *on evidence based programs can yield up to \$13 in*
11 *cost savings.*

12 “(8) *Each child prevented from engaging in re-*
13 *peat criminal offenses can save the community*
14 *\$1,700,000 to \$3,400,000.*

15 “(9) *Youth are 19 times more likely to commit*
16 *suicide in jail than youth in the general population*
17 *and 36 times more likely to commit suicide in an*
18 *adult jail than in a juvenile detention facility.*

19 “(10) *Seventy percent of youth in detention are*
20 *held for nonviolent charges, and more than $\frac{2}{3}$ are*
21 *charged with property offenses, public order offenses,*
22 *technical probation violations, or status offenses, such*
23 *as truancy, running away, or breaking curfew.*

1 “(11) *The prevalence of mental disorders among*
 2 *youth in juvenile justice systems is 2 to 3 times high-*
 3 *er than among youth in the general population.*

4 “(12) *Eighty percent of juveniles in juvenile jus-*
 5 *tice systems have a nexus to substance abuse.*

6 “(13) *The proportion of girls entering the justice*
 7 *system has increased steadily over the past several*
 8 *decades, rising from 20 percent in 1980 to 29 percent*
 9 *in 2003.”.*

10 **SEC. 102. PURPOSES.**

11 *Section 102 of the Juvenile Justice and Delinquency*
 12 *Prevention Act of 1974 (42 U.S.C. 5602) is amended—*

13 (1) *in paragraph (2), by striking “and” at the*
 14 *end;*

15 (2) *in paragraph (3), by striking the period at*
 16 *the end and inserting “; and”; and*

17 (3) *by adding at the end the following:*

18 “(4) *to support a continuum of programs (in-*
 19 *cluding delinquency prevention, intervention, mental*
 20 *health and substance abuse treatment, and aftercare)*
 21 *to address the needs of at-risk youth and youth who*
 22 *come into contact with the justice system.”.*

23 **SEC. 103. DEFINITIONS.**

24 *Section 103 of the Juvenile Justice and Delinquency*
 25 *Prevention Act of 1974 (42 U.S.C. 5603) is amended—*

1 (1) in paragraph (8), by amending subpara-
2 graph (C) to read as follows:

3 “(C) an Indian tribe; or”;

4 (2) by amending paragraph (18) to read as fol-
5 lows:

6 “(18) the term ‘Indian tribe’ has the meaning
7 given that term in section 4 of the Indian Self-Deter-
8 mination and Education Assistance Act (25 U.S.C.
9 450b);”;

10 (3) in paragraph (22), by striking “or confine
11 adults” and all that follows and inserting “or confine
12 adult inmates;”;

13 (4) by amending paragraph (26) to read as fol-
14 lows:

15 “(26) the term ‘adult inmate’—

16 “(A) means an individual who—

17 “(i) has reached the age of full crimi-
18 nal responsibility under applicable State
19 law; and

20 “(ii) has been arrested and is in cus-
21 tody for or awaiting trial on a criminal
22 charge, or is convicted of a criminal charge
23 offense; and

24 “(B) does not include an individual who—

1 “(i) at the time of the time of the of-
 2 fense, was younger than the maximum age
 3 at which a youth can be held in a juvenile
 4 facility under applicable State law; and

5 “(ii) was committed to the care and
 6 custody of a juvenile correctional agency by
 7 a court of competent jurisdiction or by op-
 8 eration of applicable State law;”;

9 (5) in paragraph (28), by striking “and” at the
 10 end;

11 (6) in paragraph (29), by striking the period at
 12 the end and inserting a semicolon; and

13 (7) by adding at the end the following:

14 “(30) the term ‘core requirements’ means the re-
 15 quirements described in paragraphs (11), (12), (13),
 16 and (15) of section 223(a);

17 “(31) the term ‘chemical agent’ means a spray
 18 used to temporarily incapacitate a person, including
 19 oleoresin capsicum spray, tear gas, and 2-
 20 chlorobenzalmalononitrile gas;

21 “(32) the term ‘isolation’—

22 “(A) means any instance in which a youth
 23 is confined alone for more than 15 minutes in a
 24 room or cell; and

1 “(B) does not include confinement during
 2 regularly scheduled sleeping hours, or for not
 3 more than 1 hour during any 24-hour period, in
 4 the room or cell in which the youth usually
 5 sleeps, protective confinement (for injured youths
 6 or youths whose safety is threatened), separation
 7 based on an approved treatment program, con-
 8 finement that is requested by the youth, or the
 9 separation of the youth from a group in a non-
 10 locked setting for the purpose of calming;

11 “(33) the term ‘restraint’ has the meaning given
 12 that term in section 591 of the Public Health Service
 13 Act (42 U.S.C. 290ii);

14 “(34) the term ‘evidence based’ means a program
 15 or practice that is demonstrated to be effective and
 16 that—

17 “(A) is based on a clearly articulated and
 18 empirically supported theory;

19 “(B) has measurable outcomes, including a
 20 detailed description of what outcomes were pro-
 21 duced in a particular population; and

22 “(C) has been scientifically tested, optimally
 23 through randomized control studies or compari-
 24 son group studies;

1 “(35) the term ‘promising’ means a program or
 2 practice that is demonstrated to be effective based on
 3 positive outcomes from 1 or more objective evalua-
 4 tions, as documented in writing to the Administrator;
 5 and

6 “(36) the term ‘dangerous practice’ means an
 7 act, procedure, or program that creates an unreason-
 8 able risk of physical injury, pain, or psychological
 9 harm to a juvenile subjected to the act, procedure, or
 10 program.”.

11 **TITLE II—JUVENILE JUSTICE**
 12 **AND DELINQUENCY PREVEN-**
 13 **TION**

14 **SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

15 Section 204(a)(2)(B)(i) of the *Juvenile Justice and De-*
 16 *linquency Prevention Act of 1974* (42 U.S.C.
 17 5614(a)(2)(B)(i)) is amended by striking “240 days after
 18 the date of enactment of this paragraph” and inserting
 19 “July 2, 2009”.

20 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 21 **AND DELINQUENCY PREVENTION.**

22 Section 206 of the *Juvenile Justice and Delinquency*
 23 *Prevention Act of 1974* (42 U.S.C. 5616) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by inserting “the Administrator of
2 the Substance Abuse and Mental Health
3 Services Administration, the Secretary of
4 Defense, the Secretary of Agriculture,” after
5 “the Secretary of Health and Human Serv-
6 ices,”; and

7 (ii) by striking “Commissioner of Im-
8 migration and Naturalization” and insert-
9 ing “Assistant Secretary for Immigration
10 and Customs Enforcement”; and

11 (B) in paragraph (2)(A), by inserting “(in-
12 cluding at least 1 representative from the mental
13 health fields)” after “field of juvenile justice”;
14 and

15 (2) in subsection (c)—

16 (A) in paragraph (1), by striking “para-
17 graphs (12)(A), (13), and (14) of section 223(a)
18 of this title” and inserting “the core require-
19 ments”; and

20 (B) in paragraph (2)—

21 (i) in the matter preceding subpara-
22 graph (A), by inserting “, on an annual
23 basis” after “collectively”;

24 (ii) in subparagraph (A), by striking
25 “and” at the end;

1 (iii) in subparagraph (B),

2 (I) by striking “180 days after the
3 date of the enactment of this para-
4 graph” and inserting “May 3, 2009”;

5 (II) by striking “Committee on
6 Education and the Workforce” and in-
7 serting “Committee on Education and
8 Labor”; and

9 (III) by striking the period and
10 inserting “; and”; and

11 (iv) by adding at the end the following:

12 “(C) not later than 120 days after the comple-
13 tion of the last meeting in any fiscal year, submit to
14 Congress a report regarding the recommendations de-
15 scribed in subparagraph (A), which shall—

16 “(i) include a detailed account of the activi-
17 ties conducted by the Council during the fiscal
18 year, including a complete detailed accounting of
19 expenses incurred by the Coordinating Council to
20 conduct operations in accordance with this sec-
21 tion;

22 “(ii) be published on the websites of the De-
23 partment of Justice and the Coordinating Coun-
24 cil; and

1 “(iii) be in addition to the annual report
2 required by section 207.”.

3 **SEC. 203. ANNUAL REPORT.**

4 Section 207 of the *Juvenile Justice and Delinquency*
5 *Prevention Act of 1974* (42 U.S.C. 5617) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “a fiscal year” and inserting “each fiscal
8 year”;

9 (2) in paragraph (1)—

10 (A) in subparagraph (B), by inserting
11 “, ethnicity,” after “race”;

12 (B) in subparagraph (E), by striking “and”
13 at the end;

14 (C) in subparagraph (F)—

15 (i) by inserting “and other” before
16 “disabilities,”; and

17 (ii) by striking the period at the end
18 and inserting a semicolon; and

19 (D) by adding at the end the following:

20 “(G) a summary of data from 1 month of
21 the applicable fiscal year of the use of restraints
22 and isolation upon juveniles held in the custody
23 of secure detention and correctional facilities op-
24 erated by a State or unit of local government;

1 “(H) the number of juveniles released from
2 custody and the type of living arrangement to
3 which each such juvenile was released; and

4 “(I) the number of status offense cases peti-
5 tioned to court, number of status offenders held
6 in secure detention, the findings used to justify
7 the use of secure detention, and the average pe-
8 riod of time a status offender was held in secure
9 detention”; and

10 (3) by adding at the end the following:

11 “(5) A description of the criteria used to deter-
12 mine what programs qualify as evidence based and
13 promising programs under this title and title V and
14 a comprehensive list of those programs the Adminis-
15 trator has determined meet such criteria.

16 “(6) A description of funding provided to Indian
17 tribes under this Act, including direct Federal grants
18 and funding provided to Indian tribes through a
19 State or unit of local government.

20 “(7) An analysis and evaluation of the internal
21 controls at Office of Juvenile Justice and Delinquency
22 Prevention to determine if grantees are following the
23 requirements of Office of Juvenile Justice and Delin-
24 quency Prevention grant programs and what reme-
25 dial action Office of Juvenile Justice and Delin-

1 *quency Prevention has taken to recover any grant*
2 *funds that are expended in violation of the grant pro-*
3 *grams, including instances where supporting docu-*
4 *mentation was not provided for cost reports, where*
5 *unauthorized expenditures occurred, and where*
6 *subreceptients of grant funds were not compliant with*
7 *program requirements.*

8 *“(8) An analysis and evaluation of the total*
9 *amount of payments made to grantees that were re-*
10 *couped by the Office of Juvenile Justice and Delin-*
11 *quency Prevention from grantees that were found to*
12 *be in violation of policies and procedures of the Office*
13 *of Juvenile Justice and Delinquency Prevention grant*
14 *programs. This analysis shall include the full name*
15 *and location of the grantee, the violation of the pro-*
16 *gram found, the amount of funds sought to be re-*
17 *couped by the Office of Juvenile Justice and Delin-*
18 *quency Prevention, and the actual amount recouped*
19 *by the Office of Juvenile Justice and Delinquency*
20 *Prevention.”.*

21 **SEC. 204. ALLOCATION OF FUNDS.**

22 *(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the*
23 *Juvenile Justice and Delinquency Prevention Act of 1974*
24 *(42 U.S.C. 5631(b)(1)) is amended by striking “2 percent”*
25 *and inserting “5 percent”.*

1 (b) *OTHER ALLOCATIONS.*—*Section 222 of the Juve-*
 2 *nile Justice and Delinquency Prevention Act of 1974 (42*
 3 *U.S.C. 5632) is amended—*

4 (1) *in subsection (a)(1), by striking “age eight-*
 5 *een.” and inserting “18 years of age, based on the*
 6 *most recent census data to monitor any significant*
 7 *changes in the relative population of people under 18*
 8 *years of age occurring in the States.”;*

9 (2) *by redesignating subsections (c) and (d) as*
 10 *subsections (d) and (e), respectively;*

11 (3) *by inserting after subsection (b) the fol-*
 12 *lowing:*

13 “(c)(1) *If any amount allocated under subsection (a)*
 14 *is withheld from a State due to noncompliance with the*
 15 *core requirements, the funds shall be reallocated for an im-*
 16 *provement grant designed to assist the State in achieving*
 17 *compliance with the core requirements.*

18 “(2) *The Administrator shall condition a grant de-*
 19 *scribed in paragraph (1) on—*

20 “(A) *the State, with the approval of the Admin-*
 21 *istrator, developing specific action steps designed to*
 22 *restore compliance with the core requirements; and*

23 “(B) *submitting to the Administrator semiannu-*
 24 *ally a report on progress toward implementing the*

1 *specific action steps developed under subparagraph*
 2 *(A).*

3 “(3) *The Administrator shall provide appropriate and*
 4 *effective technical assistance directly or through an agree-*
 5 *ment with a contractor to assist a State receiving a grant*
 6 *described in paragraph (1) in achieving compliance with*
 7 *the core requirements.”;*

8 *(4) in subsection (d), as so redesignated, by*
 9 *striking “efficient administration, including moni-*
 10 *toring, evaluation, and one full-time staff position”*
 11 *and inserting “effective and efficient administration,*
 12 *including the designation of at least 1 person to co-*
 13 *ordinate efforts to achieve and sustain compliance*
 14 *with the core requirements”; and*

15 *(5) in subsection (e), as so redesignated, by strik-*
 16 *ing “5 per centum of the minimum” and inserting*
 17 *“not more than 5 percent of the”.*

18 **SEC. 205. STATE PLANS.**

19 *Section 223 of the Juvenile Justice and Delinquency*
 20 *Prevention Act of 1974 (42 U.S.C. 5633) is amended—*

21 *(1) in subsection (a)—*

22 *(A) in the matter preceding paragraph (1),*
 23 *by inserting “Not later than 30 days after the*
 24 *date on which a plan or amended plan sub-*
 25 *mitted under this subsection is finalized, a State*

1 *shall make the plan or amended plan publicly*
 2 *available by posting the plan or amended plan*
 3 *on a publicly available website.” after “compli-*
 4 *ance with State plan requirements.”;*

5 *(B) in paragraph (3)—*

6 *(i) in subparagraph (A)(ii)—*

7 *(I) in subclause (II), by striking*
 8 *“counsel for children and youth” and*
 9 *inserting “publicly supported court-ap-*
 10 *pointed legal counsel for children and*
 11 *youth charged in delinquency matters”;*

12 *(II) in subclause (III), by striking*
 13 *“mental health, education, special edu-*
 14 *cation” and inserting “children’s men-*
 15 *tal health, education, child and adoles-*
 16 *cent substance abuse, special education,*
 17 *services for youth with disabilities”;*

18 *(III) in subclause (V), by striking*
 19 *“delinquents or potential delinquents”*
 20 *and inserting “delinquent youth or*
 21 *youth at risk of delinquency, including*
 22 *volunteers who work with youth of*
 23 *color”;*

24 *(IV) in subclause (VII), by strik-*
 25 *ing “and” at the end;*

1 (V) *by redesignating subclause*
 2 (VIII) *as subclause (XI);*

3 (VI) *by inserting after subclause*
 4 (VII) *the following:*

5 “(VIII) *the executive director or*
 6 *the designee of the executive director of*
 7 *a public or nonprofit entity that is lo-*
 8 *cated in the State and receiving a*
 9 *grant under part A of title III;*

10 “(IX) *persons with expertise and*
 11 *competence in preventing and address-*
 12 *ing mental health or substance abuse*
 13 *problems in juvenile delinquents and*
 14 *those at-risk of delinquency;*

15 “(X) *representatives of victim or*
 16 *witness advocacy groups; and”;* and

17 (VII) *in subclause (XI), as so re-*
 18 *designated, by striking “disabilities”*
 19 *and inserting “and other disabilities,*
 20 *truancy reduction or school failure”;*

21 (ii) *in subparagraph (D)(ii), by strik-*
 22 *ing “requirements of paragraphs (11), (12),*
 23 *and (13)” and inserting “core require-*
 24 *ments”; and*

1 (iii) in subparagraph (E)(i), by add-
2 ing “and” at the end;

3 (C) in paragraph (5)—

4 (i) in the matter preceding subpara-
5 graph (A), by striking “section 222(d)” and
6 inserting “section 222(e)”; and

7 (ii) in subparagraph (C), by striking
8 “Indian tribes” and all that follows through
9 “applicable to the detention and confine-
10 ment of juveniles” and inserting “Indian
11 tribes that agree to attempt to comply with
12 the core requirements applicable to the de-
13 tention and confinement of juveniles”;

14 (D) in paragraph (7)(B)—

15 (i) by striking clause (i) and inserting
16 the following:

17 “(i) a plan for ensuring that the chief exec-
18 utive officer of the State, State legislature, and
19 all appropriate public agencies in the State with
20 responsibility for provision of services to chil-
21 dren, youth and families are informed of the re-
22 quirements of the State plan and compliance
23 with the core requirements;”;

24 (ii) in clause (iii), by striking “and”
25 at the end; and

1 (iii) by striking clause (iv) and insert-
2 ing the following:

3 “(iv) a plan to provide alternatives to de-
4 tention, including diversion to home-based or
5 community-based services that are culturally and
6 linguistically competent or treatment for those
7 youth in need of mental health, substance abuse,
8 or co-occurring disorder services at the time such
9 juveniles first come into contact with the juvenile
10 justice system;

11 “(v) a plan to reduce the number of chil-
12 dren housed in secure detention and corrections
13 facilities who are awaiting placement in residen-
14 tial treatment programs;

15 “(vi) a plan to engage family members in
16 the design and delivery of juvenile delinquency
17 prevention and treatment services, particularly
18 post-placement; and

19 “(vii) a plan to use community-based serv-
20 ices to address the needs of at-risk youth or
21 youth who have come into contact with the juve-
22 nile justice system;”;

23 (E) in paragraph (8), by striking “exist-
24 ing” and inserting “evidence based and prom-
25 ising”;

1 (F) in paragraph (9)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “section 222(d)” and
4 inserting “section 222(e)”;

5 (ii) in subparagraph (A)(i), by insert-
6 ing “status offenders and other” before
7 “youth who need”;

8 (iii) in subparagraph (B)(i)—

9 (I) by striking “parents and other
10 family members” and inserting “status
11 offenders, other youth, and the parents
12 and other family members of such of-
13 fenders and youth”; and

14 (II) by striking “be retained” and
15 inserting “remain”;

16 (iv) by redesignating subparagraphs
17 (G) through (S) as subparagraphs (J)
18 through (V), respectively;

19 (v) by redesignating subparagraphs
20 (E) and (F) as subparagraphs (F) and (G),
21 respectively;

22 (vi) by inserting after subparagraph
23 (D) the following:

24 “(E) providing training and technical as-
25 sistance to, and consultation with, juvenile jus-

1 *tice and child welfare agencies of States and*
 2 *units of local government to develop coordinated*
 3 *plans for early intervention and treatment of*
 4 *youth who have a history of abuse and juveniles*
 5 *who have prior involvement with the juvenile*
 6 *justice system;”;*

7 *(vii) in subparagraph (G), as so redes-*
 8 *ignated, by striking “expanding” and in-*
 9 *serting “programs to expand”;*

10 *(viii) by inserting after subparagraph*
 11 *(G), as so redesignated, the following:*

12 *“(H) programs to improve the recruitment,*
 13 *selection, training, and retention of professional*
 14 *personnel in the fields of medicine, law enforce-*
 15 *ment, judiciary, juvenile justice, social work and*
 16 *child protection, education, and other relevant*
 17 *fields who are engaged in, or intend to work in,*
 18 *the field of prevention, identification, and treat-*
 19 *ment of delinquency;*

20 *“(I) expanding access to publicly supported,*
 21 *court-appointed legal counsel and enhancing ca-*
 22 *capacity for the competent representation of every*
 23 *child;”;*

24 *(ix) in subparagraph (O), as so redes-*
 25 *ignated—*

1 (I) in clause (i), by striking “re-
 2 straints” and inserting “alternatives”;
 3 and

4 (II) in clause (ii), by striking “by
 5 the provision”; and

6 (x) in subparagraph (V), as so redesign-
 7 ated, by striking the period at the end and
 8 inserting a semicolon;

9 (G) in paragraph (11)—

10 (i) in subparagraph (A), by striking
 11 “and” at the end;

12 (ii) in subparagraph (B), by adding
 13 “and” at the end; and

14 (iii) by adding at the end the fol-
 15 lowing:

16 “(C) encourage the use of community-based
 17 alternatives to secure detention, including pro-
 18 grams of public and nonprofit entities receiving
 19 a grant under part A of title III;”;

20 (H) by striking paragraph (22);

21 (I) by redesignating paragraphs (23)
 22 through (28) as paragraphs (24) through (29),
 23 respectively;

1 (J) by redesignating paragraphs (14)
2 through (21) as paragraphs (16) through (23),
3 respectively;

4 (K) by inserting after paragraph (13) the
5 following:

6 “(14) require that—

7 “(A) not later than 3 years after the date
8 of enactment of the Juvenile Justice and Delin-
9 quency Prevention Reauthorization Act of 2008,
10 unless a court finds, after a hearing and in writ-
11 ing, that it is in the interest of justice, juveniles
12 awaiting trial or other legal process who are
13 treated as adults for purposes of prosecution in
14 criminal court and housed in a secure facility—

15 “(i) shall not have contact with adult
16 inmates; and

17 “(ii) except as provided in paragraph
18 (13), may not be held in any jail or lockup
19 for adults;

20 “(B) in determining under subparagraph
21 (A) whether it is in the interest of justice to per-
22 mit a juvenile to be held in any jail or lockup
23 for adults, or have contact with adult inmates,
24 a court shall consider—

25 “(i) the age of the juvenile;

1 “(ii) the physical and mental maturity
2 of the juvenile;

3 “(iii) the present mental state of the
4 juvenile, including whether the juvenile pre-
5 sents an imminent risk of harm to the juve-
6 nile;

7 “(iv) the nature and circumstances of
8 the alleged offense;

9 “(v) the juvenile’s history of prior de-
10 linquent acts;

11 “(vi) the relative ability of the avail-
12 able adult and juvenile detention facilities
13 to meet the specific needs of the juvenile and
14 to protect the public;

15 “(vii) whether placement in a juvenile
16 facility will better serve the long-term inter-
17 ests of the juvenile and be more likely to
18 prevent recidivism;

19 “(viii) the availability of programs de-
20 signed to treat the juvenile’s behavioral
21 problems; and

22 “(ix) any other relevant factor; and

23 “(C) if a court determines under subpara-
24 graph (A) that it is in the interest of justice to

1 *permit a juvenile to be held in any jail or lockup*
2 *for adults, or have contact with adult inmates—*

3 *“(i) the court shall hold a hearing not*
4 *less frequently than once every 30 days to*
5 *review whether it is still in the interest of*
6 *justice to permit the juvenile to be so held*
7 *or have such contact; and*

8 *“(ii) the juvenile shall not be held in*
9 *any jail or lockup for adults, or permitted*
10 *to have contact with adult inmates, for*
11 *more than 180 days, unless the court, in*
12 *writing, determines there is good cause for*
13 *an extension or the juvenile expressly*
14 *waives this limitation;*

15 *“(15) implement policy, practice, and system*
16 *improvement strategies at the State, territorial, local,*
17 *and tribal levels, as applicable, to identify and reduce*
18 *racial and ethnic disparities among youth who come*
19 *into contact with the juvenile justice system, without*
20 *establishing or requiring numerical standards or*
21 *quotas, by—*

22 *“(A) establishing coordinating bodies, com-*
23 *posed of juvenile justice stakeholders at the State,*
24 *local, or tribal levels, to oversee and monitor ef-*
25 *forts by States, units of local government, and*

1 *Indian tribes to reduce racial and ethnic dis-*
 2 *parities;*

3 *“(B) identifying and analyzing key decision*
 4 *points in State, local, or tribal juvenile justice*
 5 *systems to determine which points create racial*
 6 *and ethnic disparities among youth who come*
 7 *into contact with the juvenile justice system;*

8 *“(C) developing and implementing data col-*
 9 *lection and analysis systems to identify where*
 10 *racial and ethnic disparities exist in the juvenile*
 11 *justice system and to track and analyze such dis-*
 12 *parities;*

13 *“(D) developing and implementing a work*
 14 *plan that includes measurable objectives for pol-*
 15 *icy, practice, or other system changes, based on*
 16 *the needs identified in the data collection and*
 17 *analysis under subparagraphs (B) and (C); and*

18 *“(E) publicly reporting, on an annual*
 19 *basis, the efforts made in accordance with sub-*
 20 *paragraphs (B), (C), and (D);”*

21 *(L) in paragraph (16), as so redesignated—*

22 *(i) by striking “adequate system” and*
 23 *inserting “effective system”;*

24 *(ii) by striking “requirements of para-*
 25 *graph (11),” and all that follows through*

1 *“monitoring to the Administrator” and in-*
 2 *serting “the core requirements are met, and*
 3 *for annual reporting to the Administrator*
 4 *of such plan, including the results of such*
 5 *monitoring and all related enforcement and*
 6 *educational activities”;* and

7 *(iii) by striking “, in the opinion of*
 8 *the Administrator,”;*

9 *(M) in paragraph (17), as so redesignated,*
 10 *by inserting “ethnicity,” after “race,”;*

11 *(N) in paragraph (24), as so redesignated—*

12 *(i) in subparagraph (B), by striking*
 13 *“and” at the end;*

14 *(ii) in subparagraph (C)—*

15 *(I) in clause (i), by striking*
 16 *“and” at the end;*

17 *(II) in clause (ii), by adding*
 18 *“and” at the end; and*

19 *(III) by adding at the end the fol-*
 20 *lowing:*

21 *“(iii) if such court determines the juve-*
 22 *nile should be placed in a secure detention*
 23 *facility or correctional facility for violating*
 24 *such order—*

1 “(I) the court shall issue a written
2 order that—

3 “(aa) identifies the valid
4 court order that has been violated;

5 “(bb) specifies the factual
6 basis for determining that there is
7 reasonable cause to believe that
8 the juvenile has violated such
9 order;

10 “(cc) includes findings of fact
11 to support a determination that
12 there is no appropriate less re-
13 strictive alternative available to
14 placing the juvenile in such a fa-
15 cility, with due consideration to
16 the best interest of the juvenile;

17 “(dd) specifies the length of
18 time, not to exceed 7 days, that
19 the juvenile may remain in a se-
20 cure detention facility or correc-
21 tional facility, and includes a
22 plan for the juvenile’s release from
23 such facility; and

24 “(ee) may not be renewed or
25 extended; and

1 “(II) the court may not issue a
2 second or subsequent order described in
3 subclause (I) relating to a juvenile, un-
4 less the juvenile violates a valid court
5 order after the date on which the court
6 issues an order described in subclause
7 (I);”; and
8 (iii) by adding at the end the fol-
9 lowing:

10 “(D) there are procedures in place to ensure
11 that any juvenile held in a secure detention facil-
12 ity or correctional facility pursuant to a court
13 order described in this paragraph does not re-
14 main in custody longer than 7 days or the length
15 of time authorized by the court, which ever is
16 shorter; and

17 “(E) not later than 3 years after the date
18 of enactment of the Juvenile Justice and Delin-
19 quency Prevention Reauthorization Act of 2008
20 with a 1 year extension for each additional year
21 that the State can demonstrate hardship as de-
22 termined by the Administrator, the State will
23 eliminate the use of valid court orders to provide
24 secure lockup of status offenders;”;

1 (O) in paragraph (26), as so redesignated,
 2 by striking “section 222(d)” and inserting “sec-
 3 tion 222(e)”;

4 (P) in paragraph (27), as so redesignated—

5 (i) by inserting “and in accordance
 6 with confidentiality concerns,” after “max-
 7 imum extent practicable,”; and

8 (ii) by striking the semicolon at the
 9 end and inserting the following: “, so as to
 10 provide for—

11 “(A) a compilation of data reflecting infor-
 12 mation on juveniles entering the juvenile justice
 13 system with a prior reported history as victims
 14 of child abuse or neglect through arrest, court in-
 15 take, probation and parole, juvenile detention,
 16 and corrections; and

17 “(B) a plan to use the data described in
 18 subparagraph (A) to provide necessary services
 19 for the treatment of victims of child abuse and
 20 neglect who have entered, or are at risk of enter-
 21 ing, the juvenile justice system;”;

22 (Q) in paragraph (28), as so redesignated—

23 (i) by striking “establish policies” and
 24 inserting “establish protocols, policies, pro-
 25 cedures,”; and

1 (ii) by striking “and” at the end;

2 (R) in paragraph (29), as so redesignated,
3 by striking the period at the end and inserting
4 a semicolon; and

5 (S) by adding at the end the following:

6 “(30) provide for the coordinated use of funds
7 provided under this Act with other Federal and State
8 funds directed at juvenile delinquency prevention and
9 intervention programs;

10 “(31) develop policies and procedures, and pro-
11 vide training for facility staff to eliminate the use of
12 dangerous practices, unreasonable restraints, and un-
13 reasonable isolation, including by developing effective
14 behavior management techniques;

15 “(32) describe—

16 “(A) how the State will ensure that mental
17 health and substance abuse screening, assessment,
18 referral, and treatment for juveniles in the juve-
19 nile justice system includes efforts to implement
20 an evidence-based mental health and substance
21 abuse disorder screening and assessment pro-
22 gram for all juveniles held in a secure facility for
23 a period of more than 24 hours that provides for
24 1 or more initial screenings and, if an initial

1 *screening of a juvenile demonstrates a need, fur-*
2 *ther assessment; and*

3 *“(B) the method to be used by the State to*
4 *provide or arrange for mental health and sub-*
5 *stance abuse disorder treatment for juveniles de-*
6 *termined to be in need of such treatment;*

7 *“(33) provide procedural safeguards to adju-*
8 *icated juveniles, including—*

9 *“(A) a written case plan for each juvenile,*
10 *based on an assessment of the needs of the juve-*
11 *nile and developed and updated in consultation*
12 *with the juvenile, the family of the juvenile, and,*
13 *if appropriate, counsel for the juvenile, that—*

14 *“(i) describes the pre-release and post-*
15 *release programs and reentry services that*
16 *will be provided to the juvenile;*

17 *“(ii) describes the living arrangement*
18 *to which the juvenile is to be discharged;*
19 *and*

20 *“(iii) establishes a plan for the enroll-*
21 *ment of the juvenile in post-release health*
22 *care, behavioral health care, educational,*
23 *vocational, training, family support, public*
24 *assistance, and legal services programs, as*
25 *appropriate;*

1 “(B) as appropriate, a hearing that—

2 “(i) shall take place in a family or ju-
3 venile court or another court (including a
4 tribal court) of competent jurisdiction, or by
5 an administrative body appointed or ap-
6 proved by the court, not earlier than 30
7 days before the date on which the juvenile is
8 scheduled to be released, and at which the
9 juvenile would be represented by counsel;
10 and

11 “(ii) shall determine the discharge
12 plan for the juvenile, including a deter-
13 mination of whether a safe, appropriate,
14 and permanent living arrangement has been
15 secured for the juvenile and whether enroll-
16 ment in health care, behavioral health care,
17 educational, vocational, training, family
18 support, public assistance and legal services,
19 as appropriate, has been arranged for the
20 juvenile; and

21 “(C) policies to ensure that discharge plan-
22 ning and procedures—

23 “(i) are accomplished in a timely fash-
24 ion prior to the release from custody of each
25 adjudicated juvenile; and

1 “(ii) do not delay the release from cus-
2 tody of the juvenile; and

3 “(34) provide a description of the use by the
4 State of funds for reentry and aftercare services for
5 juveniles released from the juvenile justice system.”;

6 (2) in subsection (c)—

7 (A) in the matter preceding paragraph
8 (1)—

9 (i) by striking “applicable require-
10 ments of paragraphs (11), (12), (13), and
11 (22) of subsection (a)” and inserting “core
12 requirements”; and

13 (ii) by striking “2001, then” and in-
14 serting “2008”;

15 (B) in paragraph (1)—

16 (i) by striking “the subsequent fiscal
17 year” and inserting “that fiscal year”; and

18 (ii) by striking “, and” at the end and
19 inserting a semicolon;

20 (C) in paragraph (2)(B)(i)—

21 (i) by inserting “, administrative,”
22 after “appropriate executive”; and

23 (ii) by striking the period at the end
24 and inserting “, as specified in section
25 222(c); and”; and

1 (D) by adding at the end the following:

2 “(3) the State shall submit to the Administrator
3 a report detailing the reasons for noncompliance with
4 the core requirements, including the plan of the State
5 to regain full compliance, and the State shall make
6 publicly available such report, not later than 30 days
7 after the date on which the Administrator approves
8 the report, by posting the report on a publicly avail-
9 able website.”;

10 (3) in subsection (d)—

11 (A) by striking “section 222(d)” and insert-
12 ing “section 222(e)”;

13 (B) by striking “described in paragraphs
14 (11), (12), (13), and (22) of subsection (a)” and
15 inserting “described in the core requirements”;
16 and

17 (C) by striking “the requirements under
18 paragraphs (11), (12), (13), and (22) of sub-
19 section (a)” and inserting “the core require-
20 ments”; and

21 (4) by striking subsection (f) and inserting the
22 following:

23 “(f) COMPLIANCE DETERMINATION.—

24 “(1) IN GENERAL.—Not later than 60 days after
25 the date of receipt of information indicating that a

1 *State may be out of compliance with any of the core*
 2 *requirements, the Administrator shall determine*
 3 *whether the State is in compliance with the core re-*
 4 *quirements.*

5 “(2) *REPORTING.—The Administrator shall—*

6 “(A) *issue an annual public report—*

7 “(i) *describing any determination de-*
 8 *scribed in paragraph (1) made during the*
 9 *previous year, including a summary of the*
 10 *information on which the determination is*
 11 *based and the actions to be taken by the Ad-*
 12 *ministrator (including a description of any*
 13 *reduction imposed under subsection (c));*
 14 *and*

15 “(ii) *for any such determination that a*
 16 *State is out of compliance with any of the*
 17 *core requirements, describing the basis for*
 18 *the determination; and*

19 “(B) *make the report described in subpara-*
 20 *graph (A) available on a publicly available*
 21 *website.*

22 “(g) *TECHNICAL ASSISTANCE.—*

23 “(1) *ORGANIZATION OF STATE ADVISORY GROUP*
 24 *MEMBER REPRESENTATIVES.—The Administrator*
 25 *shall provide technical and financial assistance to an*

1 *agency, institution, or organization to assist in car-*
 2 *rying out the activities described in paragraph (3).*
 3 *The functions and activities of an agency, institution,*
 4 *or organization under this subsection shall not be sub-*
 5 *ject to the Federal Advisory Committee Act.*

6 “(2) *COMPOSITION.—To be eligible to receive as-*
 7 *sistance under this subsection, an agency, institution,*
 8 *or organization shall—*

9 “(A) *be governed by individuals who—*

10 “(i) *have been appointed by a chief ex-*
 11 *ecutive of a State to serve as a member of*
 12 *a State advisory group established under*
 13 *subsection (a)(3); and*

14 “(ii) *are elected to serve as a governing*
 15 *officer of such an agency, institution, or or-*
 16 *ganization by a majority of the member*
 17 *Chairs (or the designees of the member*
 18 *Chairs) of all State advisory groups estab-*
 19 *lished under subsection (a)(3);*

20 “(B) *include member representatives—*

21 “(i) *from a majority of the State advi-*
 22 *sory groups established under subsection*
 23 *(a)(3); and*

1 “(ii) *who are representative of region-*
2 *ally and demographically diverse State ju-*
3 *risdictions; and*

4 “(C) *annually seek advice from the Chairs*
5 *(or the designees of the member Chairs) of each*
6 *State advisory group established under sub-*
7 *section (a)(3) to implement the advisory func-*
8 *tions specified in subparagraphs (D) and (E) of*
9 *paragraph (3) of this subsection.*

10 “(3) *ACTIVITIES.—To be eligible to receive assist-*
11 *ance under this subsection, an agency, institution, or*
12 *organization shall agree to—*

13 “(A) *conduct an annual conference of the*
14 *member representatives of the State advisory*
15 *groups established under subsection (a)(3) for*
16 *purposes relating to the activities of such State*
17 *advisory groups;*

18 “(B) *disseminate information, data, stand-*
19 *ards, advanced techniques, and program models;*

20 “(C) *review Federal policies regarding juve-*
21 *nile justice and delinquency prevention;*

22 “(D) *advise the Administrator regarding*
23 *particular functions or aspects of the work of the*
24 *Office; and*

1 “(E) advise the President and Congress re-
 2 garding State perspectives on the operation of
 3 the Office and Federal legislation relating to ju-
 4 venile justice and delinquency prevention.”.

5 **SEC. 206. AUTHORITY TO MAKE GRANTS.**

6 Section 241(a) of the Juvenile Justice and Delin-
 7 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is
 8 amended—

9 (1) in paragraph (1), by inserting “status of-
 10 fenders,” before “juvenile offenders, and juveniles”;

11 (2) in paragraph (5), by striking “juvenile of-
 12 fenders and juveniles” and inserting “status offenders,
 13 juvenile offenders, and juveniles”;

14 (3) in paragraph (10), by inserting “, including
 15 juveniles with disabilities” before the semicolon;

16 (4) in paragraph (17), by inserting “truancy
 17 prevention and reduction,” after “mentoring,”;

18 (5) in paragraph (24), by striking “and” at the
 19 end;

20 (6) by redesignating paragraph (25) as para-
 21 graph (26); and

22 (7) by inserting after paragraph (24) the fol-
 23 lowing:

24 “(25) projects that support the establishment of
 25 partnerships between a State and a university, insti-

1 *tution of higher education, or research center designed*
 2 *to improve the recruitment, selection, training, and*
 3 *retention of professional personnel in the fields of*
 4 *medicine, law enforcement, judiciary, juvenile justice,*
 5 *social work and child protection, education, and other*
 6 *relevant fields who are engaged in, or intend to work*
 7 *in, the field of prevention, identification, and treat-*
 8 *ment of delinquency; and”.*

9 **SEC. 207. GRANTS TO INDIAN TRIBES.**

10 *(a) IN GENERAL.—Section 246(a)(2) of the Juvenile*
 11 *Justice and Delinquency Prevention Act of 1974 (42 U.S.C.*
 12 *5656(a)(2)) is amended—*

13 *(1) by striking subparagraph (A);*

14 *(2) by redesignating subparagraphs (B) through*
 15 *(E) as subparagraphs (A) through (D), respectively;*
 16 *and*

17 *(3) in subparagraph (B)(ii), as so redesignated,*
 18 *by striking “subparagraph (B)” and inserting “sub-*
 19 *paragraph (A)”.*

20 *(b) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*
 21 *tion 223(a)(7)(A) of the Juvenile Justice and Delinquency*
 22 *Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is*
 23 *amended by striking “(including any geographical area in*
 24 *which an Indian tribe performs law enforcement func-*

1 tions)” and inserting “(including any geographical area of
2 which an Indian tribe has jurisdiction)”.

3 **SEC. 208. RESEARCH AND EVALUATION; STATISTICAL ANAL-**
4 **YSES; INFORMATION DISSEMINATION.**

5 (a) *IN GENERAL.*—Section 251 of the Juvenile Justice
6 and Delinquency Prevention Act of 1974 (42 U.S.C. 5661)
7 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in the matter proceeding subpara-
11 graph (A), by striking “may” and inserting
12 “shall”;

13 (ii) in subparagraph (A), by striking
14 “plan and identify” and inserting “annu-
15 ally provide a written and publicly avail-
16 able plan to identify”; and

17 (iii) in subparagraph (B)—

18 (I) by amending clause (iii) to
19 read as follows:

20 “(iii) successful efforts to prevent status of-
21 fenders and first-time minor offenders from sub-
22 sequent involvement with the criminal justice
23 system;”;

24 (II) by amending clause (vii) to
25 read as follows:

1 “(vii) the prevalence and duration of behav-
 2 ioral health needs (including mental health, sub-
 3 stance abuse, and co-occurring disorders) among
 4 juveniles pre-placement and post-placement when
 5 held in the custody of secure detention and cor-
 6 rections facilities, including an examination of
 7 the effects of confinement;”;

8 (III) by redesignating clauses (ix),
 9 (x), and (xi) as clauses (xi), (xii), and
 10 (xiii), respectively; and

11 (IV) by inserting after clause
 12 (viii) the following:

13 “(ix) training efforts and reforms that have
 14 produced reductions in or elimination of the use
 15 of dangerous practices;

16 “(x) methods to improve the recruitment, se-
 17 lection, training, and retention of professional
 18 personnel in the fields of medicine, law enforce-
 19 ment, judiciary, juvenile justice, social work and
 20 child protection, education, and other relevant
 21 fields who are engaged in, or intend to work in,
 22 the field of prevention, identification, and treat-
 23 ment of delinquency;”;

24 (B) in paragraph (4)—

1 (i) in the matter preceding subpara-
 2 graph (A), by inserting “and not later than
 3 1 year after the date of enactment of the Ju-
 4 venile Justice and Delinquency Prevention
 5 Reauthorization Act of 2008” after “date of
 6 enactment of this paragraph”;

7 (ii) in subparagraph (F), by striking
 8 “and” at the end;

9 (iii) in subparagraph (G), by striking
 10 the period at the end and inserting a semi-
 11 colon; and

12 (iv) by adding at the end the following:

13 “(H) a description of the best practices in dis-
 14 charge planning; and

15 “(I) an assessment of living arrangements for ju-
 16 veniles who cannot return to the homes of the juve-
 17 niles.”;

18 (2) in subsection (b), in the matter preceding
 19 paragraph (a), by striking “may” and inserting
 20 “shall”; and

21 (3) by adding at the end the following:

22 “(f) NATIONAL RECIDIVISM MEASURE.—The Adminis-
 23 trator, in consultation with experts in the field of juvenile
 24 justice research, recidivism, and data collection, shall—

1 “(1) *establish a uniform method of data collec-*
 2 *tion and technology that States shall use to evaluate*
 3 *data on juvenile recidivism on an annual basis;*

4 “(2) *establish a common national juvenile recidi-*
 5 *vism measurement system; and*

6 “(3) *make cumulative juvenile recidivism data*
 7 *that is collected from States available to the public.”.*

8 **(b) STUDIES.—**

9 **(1) ASSESSMENT OF TREATING JUVENILES AS**
 10 **ADULTS.—***The Administrator shall—*

11 *(A) not later than 3 years after the date of*
 12 *enactment of this Act, assess the effectiveness of*
 13 *the practice of treating juveniles as adults for*
 14 *purposes of prosecution in criminal court; and*

15 *(B) not later than 42 months after the date*
 16 *of enactment of this Act, submit to Congress and*
 17 *the President, and make publicly available, a re-*
 18 *port on the findings and conclusions of the as-*
 19 *essment under subparagraph (A) and any rec-*
 20 *ommended changes in law identified as a result*
 21 *of the assessment under subparagraph (A).*

22 **(2) OUTCOME STUDY OF FORMER JUVENILE OF-**
 23 **FENDERS.—***The Administrator shall conduct a study*
 24 *of adjudicated juveniles and publish a report on the*
 25 *outcomes for juveniles who have reintegrated into the*

1 community, which shall include information on the
 2 outcomes relating to family reunification, housing,
 3 education, employment, health care, behavioral health
 4 care, and repeat offending.

5 (3) *DEFINITION OF ADMINISTRATOR.*—In this
 6 subsection, the term “Administrator” means the head
 7 of the Office of Juvenile Justice and Delinquency Pre-
 8 vention.

9 **SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

10 Section 252 of the Juvenile Justice and Delinquency
 11 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),
 14 by striking “may”;

15 (B) in paragraph (1), by inserting “shall”
 16 before “develop and carry out projects”; and

17 (C) in paragraph (2), by inserting “may”
 18 before “make grants to and contracts with”;

19 (2) in subsection (b)—

20 (A) in the matter preceding paragraph (1),
 21 by striking “may”;

22 (B) in paragraph (1)—

23 (i) by inserting “shall” before “develop
 24 and implement projects”; and

25 (ii) by striking “and” at the end;

1 (C) in paragraph (2)—

2 (i) by inserting “may” before “make
3 grants to and contracts with”; and

4 (ii) by striking the period at the end
5 and inserting a semicolon; and

6 (D) by adding at the end the following:

7 “(3) shall provide technical assistance to States
8 and units of local government on achieving compli-
9 ance with the amendments made by the Juvenile Jus-
10 tice and Delinquency Prevention Reauthorization Act
11 of 2008; and

12 “(4) shall provide technical assistance to States
13 in support of efforts to establish partnerships between
14 the State and a university, institution of higher edu-
15 cation, or research center designed to improve the re-
16 cruitment, selection, training, and retention of profes-
17 sional personnel in the fields of medicine, law enforce-
18 ment, judiciary, juvenile justice, social work and
19 child protection, education, and other relevant fields
20 who are engaged in, or intend to work in, the field
21 of prevention, identification, and treatment of delin-
22 quency.”; and

23 (3) by adding at the end the following:

24 “(d) TECHNICAL ASSISTANCE TO STATES REGARDING
25 LEGAL REPRESENTATION OF CHILDREN.—The Adminis-

1 *trator shall develop and issue standards of practice for at-*
 2 *torneys representing children, and ensure that the stand-*
 3 *ards are adapted for use in States.*

4 “(e) *TRAINING AND TECHNICAL ASSISTANCE FOR*
 5 *LOCAL AND STATE JUVENILE DETENTION AND CORREC-*
 6 *TIONS PERSONNEL.—The Administrator shall coordinate*
 7 *training and technical assistance programs with juvenile*
 8 *detention and corrections personnel of States and units of*
 9 *local government to—*

10 “(1) *promote methods for improving conditions*
 11 *of juvenile confinement, including those that are de-*
 12 *signed to minimize the use of dangerous practices, un-*
 13 *reasonable restraints, and isolation; and*

14 “(2) *encourage alternative behavior management*
 15 *techniques.*

16 “(f) *TRAINING AND TECHNICAL ASSISTANCE TO SUP-*
 17 *PORT MENTAL HEALTH OR SUBSTANCE ABUSE TREAT-*
 18 *MENT INCLUDING HOME-BASED OR COMMUNITY-BASED*
 19 *CARE.—The Administrator shall provide training and tech-*
 20 *nical assistance, in conjunction with the appropriate public*
 21 *agencies, to individuals involved in making decisions re-*
 22 *garding the disposition of cases for youth who enter the ju-*
 23 *venile justice system, including—*

24 “(1) *juvenile justice intake personnel;*

25 “(2) *probation officers;*

1 “(3) juvenile court judges and court services per-
 2 sonnel;
 3 “(4) prosecutors and court-appointed counsel;
 4 and
 5 “(5) family members of juveniles and family ad-
 6 vocates.”.

7 **SEC. 210. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**
 8 **GRAMS.**

9 *Title II of the Juvenile Justice and Delinquency Pre-*
 10 *vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—*
 11 *(1) by redesignating part F as part G; and*
 12 *(2) by inserting after part E the following:*

13 **“PART F—INCENTIVE GRANTS FOR STATE AND**
 14 **LOCAL PROGRAMS**

15 **“SEC. 271. INCENTIVE GRANTS.**

16 “(a) *INCENTIVE GRANT FUNDS.—The Administrator*
 17 *may make incentive grants to a State, unit of local govern-*
 18 *ment, or combination of States and local governments to*
 19 *assist a State, unit of local government, or combination*
 20 *thereof in carrying out an activity identified in subsection*
 21 *(b)(1).*

22 “(b) *USE OF FUNDS.—*

23 “(1) *IN GENERAL.—An incentive grant made by*
 24 *the Administrator under this section may be used*
 25 *to—*

1 “(A) increase the use of evidence based or
2 promising prevention and intervention pro-
3 grams;

4 “(B) improve the recruitment, selection,
5 training, and retention of professional personnel
6 (including in the fields of medicine, law enforce-
7 ment, judiciary, juvenile justice, social work, and
8 child prevention) who are engaged in, or intend
9 to work in, the field of prevention, intervention,
10 and treatment of juveniles to reduce delinquency;

11 “(C) establish a partnership between juve-
12 nile justice agencies of a State or unit of local
13 government and mental health authorities of
14 State or unit of local government to establish
15 and implement programs to ensure there are
16 adequate mental health and substance abuse
17 screening, assessment, referral, treatment, and
18 after-care services for juveniles who come into
19 contact with the justice system by—

20 “(i) carrying out programs that divert
21 from incarceration juveniles who come into
22 contact with the justice system (including
23 facilities contracted for operation by State
24 or local juvenile authorities) and have men-
25 tal health or substance abuse problems—

1 “(I) when such juveniles are at
2 imminent risk of being taken into cus-
3 tody;

4 “(II) at the time such juveniles
5 are initially taken into custody;

6 “(III) after such juveniles are
7 charged with an offense or act of juve-
8 nile delinquency;

9 “(IV) after such juveniles are ad-
10 judicated delinquent and before case
11 disposition; and

12 “(V) after such juveniles are re-
13 leased from a juvenile facility for the
14 purpose of attending after-care pro-
15 grams; or

16 “(ii) improving treatment of juveniles
17 with mental illness by working to ensure—

18 “(I) that—

19 “(aa) initial mental health
20 screening is—

21 “(AA) completed for a
22 juvenile immediately upon
23 entering the juvenile justice
24 system or a juvenile facility;
25 and

1 “(BB) conducted by
2 qualified health and mental
3 health professionals or by
4 staff who have been trained
5 by qualified health, mental
6 health, and substance abuse
7 professionals; and

8 “(bb) in the case of screening
9 by staff, the screening results are
10 reviewed by qualified health and
11 mental health professionals not
12 later than 24 hours after the
13 screening;

14 “(II) that a juvenile who suffers
15 from an acute mental disorder, is sui-
16 cidal, or is in need of detoxification
17 is—

18 “(aa) placed in or imme-
19 diately transferred to an appro-
20 priate medical or mental health
21 facility; and

22 “(bb) only admitted to a se-
23 cure correctional facility with
24 written medical clearance;

25 “(III) that—

1 “(aa) a juvenile entering the
2 juvenile justice system has a com-
3 prehensive assessment conducted
4 and an individualized treatment
5 plan written and implemented—

6 “(AA) not later than 2
7 weeks after the date on which
8 the juvenile enters the juve-
9 nile justice system; or

10 “(BB) if a juvenile is
11 entering a secure facility, not
12 later than 1 week after the
13 date on which the juvenile
14 enters the juvenile justice sys-
15 tem; and

16 “(bb) the assessments de-
17 scribed in item (aa) are completed
18 by qualified health, mental health,
19 and substance abuse professionals;
20 “(IV) that—

21 “(aa) if the need for treat-
22 ment is indicated by the assess-
23 ment of a juvenile, the juvenile is
24 referred to or treated by a quali-
25 fied professional;

1 “(bb) a juvenile who is re-
2 ceiving treatment for a mental or
3 emotional disorder on the date of
4 the assessment continues to receive
5 treatment;

6 “(cc) treatment of a juvenile
7 continues until an additional
8 mental health assessment deter-
9 mines that the juvenile is no
10 longer in need of treatment; and

11 “(dd) treatment plans for ju-
12 veniles are reevaluated at least
13 every 30 days;

14 “(V) that—

15 “(aa) discharge plans are
16 prepared for an incarcerated juve-
17 nile when the juvenile enters the
18 correctional facility in order to
19 integrate the juvenile back into
20 the family and the community;

21 “(bb) discharge plans for an
22 incarcerated juvenile are updated,
23 in consultation with the family or
24 guardian of a juvenile, before the
25 juvenile leaves the facility; and

1 “(cc) discharge plans address
2 the provision of aftercare services;

3 “(VI) that any juvenile in the ju-
4 venile justice system receiving psycho-
5 tropic medications is—

6 “(aa) under the care of a li-
7 censed psychiatrist; and

8 “(bb) monitored regularly by
9 trained staff to evaluate the effi-
10 cacy and side effects of the psycho-
11 tropic medications; and

12 “(VII) that specialized treatment
13 and services are continually available
14 to a juvenile in the juvenile justice sys-
15 tem who has—

16 “(aa) a history of mental
17 health problems or treatment;

18 “(bb) a documented history
19 of sexual offenses or sexual abuse,
20 as a victim or perpetrator;

21 “(cc) a substance abuse prob-
22 lem, health problem, learning dis-
23 ability, or history of family abuse
24 or violence; or

1 “(dd) developmental disabil-
2 ities;

3 “(D) provide training, in conjunction with
4 the public or private agency that provides men-
5 tal health services, to individuals involved in
6 making decisions involving youth who enter the
7 juvenile justice system (including intake per-
8 sonnel, law enforcement, prosecutors, juvenile
9 court judges, public defenders, mental health and
10 substance abuse service providers and adminis-
11 trators, probation officers, and parents) that fo-
12 cuses on—

13 “(i) the availability of screening and
14 assessment tools and the effective use of such
15 tools;

16 “(ii) the purpose, benefits, and need to
17 increase availability of mental health or
18 substance abuse treatment programs (in-
19 cluding home-based and community-based
20 programs) available to juveniles within the
21 jurisdiction of the recipient;

22 “(iii) the availability of public and
23 private services available to juveniles to pay
24 for mental health or substance abuse treat-
25 ment programs; or

1 “(iv) the appropriate use of effective
2 home-based and community-based alter-
3 natives to juvenile justice or mental health
4 system institutional placement; and

5 “(E) develop comprehensive collaborative
6 plans to address the service needs of juveniles
7 with mental health or substance abuse disorders
8 who are at risk of coming into contact with the
9 juvenile justice system that—

10 “(i) revise and improve the delivery of
11 intensive home-based and community-based
12 services to juveniles who have been in con-
13 tact with or who are at risk of coming into
14 contact with the justice system;

15 “(ii) determine how the service needs of
16 juveniles with mental health or substance
17 abuse disorders who come into contact with
18 the juvenile justice system will be furnished
19 from the initial detention stage until after
20 discharge in order for these juveniles to
21 avoid further contact with the justice sys-
22 tem;

23 “(iii) demonstrate that the State or
24 unit of local government has entered into
25 appropriate agreements with all entities re-

1 *sponsible for providing services under the*
2 *plan, such as the agency of the State or unit*
3 *of local government charged with admin-*
4 *istering juvenile justice programs, the agen-*
5 *cy of the State or unit of local government*
6 *charged with providing mental health serv-*
7 *ices, the agency of the State or unit of local*
8 *government charged with providing sub-*
9 *stance abuse treatment services, the edu-*
10 *cational agency of the State or unit of local*
11 *government, the child welfare system of the*
12 *State or local government, and private non-*
13 *profit community-based organizations;*

14 *“(iv) ensure that the State or unit of*
15 *local government has in effect any laws nec-*
16 *essary for services to be delivered in accord-*
17 *ance with the plan;*

18 *“(v) establish a network of individuals*
19 *(or incorporates an existing network) to*
20 *provide coordination between mental health*
21 *service providers, substance abuse service*
22 *providers, probation and parole officers,*
23 *judges, corrections personnel, law enforce-*
24 *ment personnel, State and local educational*
25 *agency personnel, parents and families, and*

1 *other appropriate parties regarding effective*
2 *treatment of juveniles with mental health or*
3 *substance abuse disorders;*

4 “(vi) provide for cross-system training
5 among law enforcement personnel, correc-
6 tions personnel, State and local educational
7 agency personnel, mental health service pro-
8 viders, and substance abuse service pro-
9 viders to enhance collaboration among sys-
10 tems;

11 “(vii) provide for coordinated and ef-
12 fective aftercare programs for juveniles who
13 have been diagnosed with a mental health
14 or substance abuse disorder and who are
15 discharged from home-based care, commu-
16 nity-based care, any other treatment pro-
17 gram, secure detention facilities, secure cor-
18 rectional facilities, or jail;

19 “(viii) provide for the purchase of tech-
20 nical assistance to support the implementa-
21 tion of the plan;

22 “(ix) estimate the costs of imple-
23 menting the plan and proposes funding
24 sources sufficient to meet the non-Federal

1 *funding requirements for implementation of*
 2 *the plan under subsection (c)(2)(E);*

3 *“(x) describe the methodology to be*
 4 *used to identify juveniles at risk of coming*
 5 *into contact with the juvenile justice system;*

6 *“(xi) provide a written plan to ensure*
 7 *that all training and services provided*
 8 *under the plan will be culturally and lin-*
 9 *guistically competent; and*

10 *“(xii) describe the outcome measures*
 11 *and benchmarks that will be used to evalu-*
 12 *ate the progress and effectiveness of the*
 13 *plan.*

14 “(2) *COORDINATION AND ADMINISTRATION.—A*
 15 *State or unit of local government receiving a grant*
 16 *under this section shall ensure that—*

17 *“(A) the use of the grant under this section*
 18 *is developed as part of the State plan required*
 19 *under section 223(a); and*

20 *“(B) not more than 5 percent of the amount*
 21 *received under this section is used for adminis-*
 22 *tration of the grant under this section.*

23 “(c) *APPLICATION.—*

24 “(1) *IN GENERAL.—A State or unit of local gov-*
 25 *ernment desiring a grant under this section shall sub-*

1 *mit an application at such time, in such manner,*
2 *and containing such information as the Adminis-*
3 *trator may prescribe.*

4 “(2) *CONTENTS.—In accordance with guidelines*
5 *that shall be established by the Administrator, each*
6 *application for incentive grant funding under this*
7 *section shall—*

8 “(A) *describe any activity or program the*
9 *funding would be used for and how the activity*
10 *or program is designed to carry out 1 or more*
11 *of the activities described in subsection (b);*

12 “(B) *if any of the funds provided under the*
13 *grant would be used for evidence based or prom-*
14 *ising prevention or intervention programs, in-*
15 *clude a detailed description of the studies, find-*
16 *ings, or practice knowledge that support the as-*
17 *sertion that such programs qualify as evidence*
18 *based or promising;*

19 “(C) *for any program for which funds pro-*
20 *vided under the grant would be used that is not*
21 *evidence based or promising, include a detailed*
22 *description of any studies, findings, or practice*
23 *knowledge which support the effectiveness of the*
24 *program;*

1 “(D) if the funds provided under the grant
2 will be used for an activity described in sub-
3 section (b)(1)(D), include a certification that the
4 State or unit of local government—

5 “(i) will work with public or private
6 entities in the area to administer the train-
7 ing funded under subsection (b)(1)(D), to
8 ensure that such training is comprehensive,
9 constructive, linguistically and culturally
10 competent, and of a high quality;

11 “(ii) is committed to a goal of increas-
12 ing the diversion of juveniles coming under
13 its jurisdiction into appropriate home-based
14 or community-based care when the interest
15 of the juvenile and public safety allow;

16 “(iii) intends to use amounts provided
17 under a grant under this section for an ac-
18 tivity described in subsection (b)(1)(D) to
19 further such goal; and

20 “(iv) has a plan to demonstrate, using
21 appropriate benchmarks, the progress of the
22 agency in meeting such goal; and

23 “(E) if the funds provided under the grant
24 will be used for an activity described in sub-
25 section (b)(1)(D), include a certification that not

1 *less than 25 percent of the total cost of the train-*
2 *ing described in subsection (b)(1)(D) that is con-*
3 *ducted with the grant under this section will be*
4 *contributed by non-Federal sources.*

5 “(d) *REQUIREMENTS FOR GRANTS TO ESTABLISH*
6 *PARTNERSHIPS.—*

7 “(1) *MANDATORY REPORTING.—A State or unit*
8 *of local government receiving a grant for an activity*
9 *described in subsection (b)(1)(C) shall keep records of*
10 *the incidence and types of mental health and sub-*
11 *stance abuse disorders in their juvenile justice popu-*
12 *lations, the range and scope of services provided, and*
13 *barriers to service. The State or unit of local govern-*
14 *ment shall submit an analysis of this information*
15 *yearly to the Administrator.*

16 “(2) *STAFF RATIOS FOR CORRECTIONAL FACILI-*
17 *TIES.—A State or unit of local government receiving*
18 *a grant for an activity described in subsection*
19 *(b)(1)(C) shall require that a secure correctional facil-*
20 *ity operated by or on behalf of that State or unit of*
21 *local government—*

22 “(A) *has a minimum ratio of not fewer*
23 *than 1 mental health counselor for every 50 juve-*
24 *niles, who shall be professionally trained and*
25 *certified or licensed;*

1 “(B) has a minimum ratio of not fewer
2 than 1 clinical psychologist for every 100 juve-
3 niles; and

4 “(C) has a minimum ratio of not fewer
5 than 1 licensed psychiatrist for every 100 juve-
6 niles receiving psychiatric care.

7 “(3) *LIMITATION ON ISOLATION.*—A State or
8 unit of local government receiving a grant for an ac-
9 tivity described in subsection (b)(1)(C) shall require
10 that—

11 “(A) isolation and seclusion are used only
12 for immediate and short-term security or safety
13 reasons;

14 “(B) no juvenile is placed in isolation with-
15 out approval of the facility superintendent or
16 chief medical officer or their official staff des-
17 ignee;

18 “(C) all instances in which a juvenile is
19 placed in isolation are documented in the file of
20 a juvenile along with the justification;

21 “(D) a juvenile is in isolation only the
22 amount of time necessary to achieve security and
23 safety of the juvenile and staff;

24 “(E) staff monitor each juvenile in isolation
25 once every 15 minutes and conduct a profes-

1 sional review of the need for isolation at least
2 every 4 hours; and

3 “(F) any juvenile held in seclusion for 24
4 hours is examined by a physician or licensed
5 psychologist.

6 “(4) MEDICAL AND MENTAL HEALTH EMER-
7 GENCIES.—A State or unit of local government receiv-
8 ing a grant for an activity described in subsection
9 (b)(1)(C) shall require that a correctional facility op-
10 erated by or on behalf of that State or unit of local
11 government has written policies and procedures on
12 suicide prevention. All staff working in a correctional
13 facility operated by or on behalf of a State or unit
14 of local government receiving a grant for an activity
15 described in subsection (b)(1)(C) shall be trained and
16 certified annually in suicide prevention. A correc-
17 tional facility operated by or on behalf of a State or
18 unit of local government receiving a grant for an ac-
19 tivity described in subsection (b)(1)(C) shall have a
20 written arrangement with a hospital or other facility
21 for providing emergency medical and mental health
22 care. Physical and mental health services shall be
23 available to an incarcerated juvenile 24 hours per
24 day, 7 days per week.

1 “(5) *IDEA AND REHABILITATION ACT.*—A State
 2 or unit of local government receiving a grant for an
 3 activity described in subsection (b)(1)(C) shall require
 4 that all juvenile facilities operated by or on behalf of
 5 the State or unit of local government abide by all
 6 mandatory requirements and timelines set forth under
 7 the *Individuals with Disabilities Education Act* (20
 8 U.S.C. 1400 et seq.) and section 504 of the *Rehabili-*
 9 *tation Act of 1973* (29 U.S.C. 794).

10 “(6) *FISCAL RESPONSIBILITY.*—A State or unit
 11 of local government receiving a grant for an activity
 12 described in subsection (b)(1)(C) shall provide for
 13 such fiscal control and fund accounting procedures as
 14 may be necessary to ensure prudent use, proper dis-
 15 bursement, and accurate accounting of funds received
 16 under this section that are used for an activity de-
 17 scribed in subsection (b)(1)(C).”.

18 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 299 of the *Juvenile Justice and Delinquency*
 20 *Prevention Act of 1974* (42 U.S.C. 5671) is amended—

21 (1) in subsection (a)—

22 (A) in the subsection heading, by striking
 23 “PARTS C AND E” and inserting “PARTS C, E,
 24 AND F”;

1 (B) in paragraph (1), by striking “this
2 title” and all that follows and inserting the fol-
3 lowing: “this title—

4 “(A) \$196,700,000 for fiscal year 2009;

5 “(B) \$245,900,000 for fiscal year 2010;

6 “(C) \$295,100,000 for fiscal year 2011;

7 “(D) \$344,300,000 for fiscal year 2012; and

8 “(E) \$393,500,000 for fiscal year 2013.”; and

9 (C) in paragraph (2), in the matter pre-
10 ceding subparagraph (A), by striking “parts C
11 and E” and inserting “parts C, E, and F”;

12 (2) in subsection (b), by striking “fiscal years
13 2003, 2004, 2005, 2006, and 2007” and inserting
14 “fiscal years 2009, 2010, 2011, 2012, and 2013”;

15 (3) in subsection (c), by striking “fiscal years
16 2003, 2004, 2005, 2006, and 2007” and inserting
17 “fiscal years 2009, 2010, 2011, 2012, and 2013”;

18 (4) by redesignating subsection (d) as subsection
19 (e); and

20 (5) by inserting after subsection (c) the fol-
21 lowing:

22 “(d) *AUTHORIZATION OF APPROPRIATIONS FOR PART*
23 *F.*—

24 “(1) *IN GENERAL.*—There are authorized to be
25 appropriated to carry out part F, and authorized to

1 *remain available until expended, \$80,000,000 for each*
 2 *of fiscal years 2009, 2010, 2011, 2012, and 2013.*

3 “(2) *ALLOCATION.*—*Of the sums that are appro-*
 4 *priated for a fiscal year to carry out part F—*

5 “(A) *not less than 40 percent shall be used*
 6 *to fund programs that are carrying out an activ-*
 7 *ity described in subparagraph (C), (D), or (E)*
 8 *of section 271(b)(1); and*

9 “(B) *not less than 50 percent shall be used*
 10 *to fund programs that are carrying out an activ-*
 11 *ity described in subparagraph (A) of that sec-*
 12 *tion.”.*

13 **SEC. 212. ADMINISTRATIVE AUTHORITY.**

14 *Section 299A(e) of the Juvenile Justice and Delin-*
 15 *quency Prevention Act of 1974 (42 U.S.C. 5672(e)) is*
 16 *amended by striking “requirements described in paragraphs*
 17 *(11), (12), and (13) of section 223(a)” and inserting “core*
 18 *requirements”.*

19 **SEC. 213. TECHNICAL AND CONFORMING AMENDMENTS.**

20 *The Juvenile Justice and Delinquency Prevention Act*
 21 *of 1974 (42 U.S.C. 5601 et seq.) is amended—*

22 (1) *in section 204(b)(6), by striking “section*
 23 *223(a)(15)” and inserting “section 223(a)(16)”;*

24 (2) *in section 246(a)(2)(D), by striking “section*
 25 *222(c)” and inserting “section 222(d)”;* and

1 (3) in section 299D(b), of by striking “section
2 222(c)” and inserting “section 222(d)”.

3 **TITLE III—INCENTIVE GRANTS**
4 **FOR LOCAL DELINQUENCY**
5 **PREVENTION PROGRAMS**

6 **SEC. 301. DEFINITIONS.**

7 Section 502 of the Incentive Grants for Local Delin-
8 quency Prevention Programs Act of 2002 (42 U.S.C. 5781)
9 is amended—

10 (1) in the section heading, by striking “**DEFINI-**
11 **TION**” and inserting “**DEFINITIONS**”; and

12 (2) by striking “this title, the term” and insert-
13 ing the following: “this title—

14 “(1) the term ‘mentoring’ means matching 1
15 adult with 1 or more youths (not to exceed 4 youths)
16 for the purpose of providing guidance, support, and
17 encouragement aimed at developing the character of
18 the youths, where the adult and youths meet regularly
19 for not less than 4 hours each month for not less than
20 a 9-month period; and

21 “(2) the term”.

1 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**
 2 **GRAMS.**

3 *Section 504(a) of the Incentive Grants for Local Delin-*
 4 *quency Prevention Programs Act of 2002 (42 U.S.C.*
 5 *5783(a)) is amended—*

6 *(1) in paragraph (7), by striking “and” at the*
 7 *end;*

8 *(2) in paragraph (8), by striking the period at*
 9 *the end and inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(9) mentoring programs.”.*

12 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 505 of the Incentive Grants for Local Delin-*
 14 *quency Prevention Programs Act of 2002 (42 U.S.C. 5784)*
 15 *is amended to read as follows:*

16 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

17 *“There are authorized to be appropriated to carry out*
 18 *this title—*

19 *“(1) \$272,200,000 for fiscal year 2009;*

20 *“(2) \$322,800,000 for fiscal year 2010;*

21 *“(3) \$373,400,000 for fiscal year 2011;*

22 *“(4) \$424,000,000 for fiscal year 2012; and*

23 *“(5) \$474,600,000 for fiscal year 2013.”.*

24 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

25 *The Juvenile Justice and Delinquency Prevention Act*
 26 *of 1974 is amended by striking title V, as added by the*

- 1 *Juvenile Justice and Delinquency Prevention Act of 1974*
- 2 *(Public Law 93–415; 88 Stat. 1133) (relating to miscella-*
- 3 *neous and conforming amendments).*

Calendar No. 1033

110TH CONGRESS
2^D Session

S. 3155

[Report No. 110-472]

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Reported with an amendment